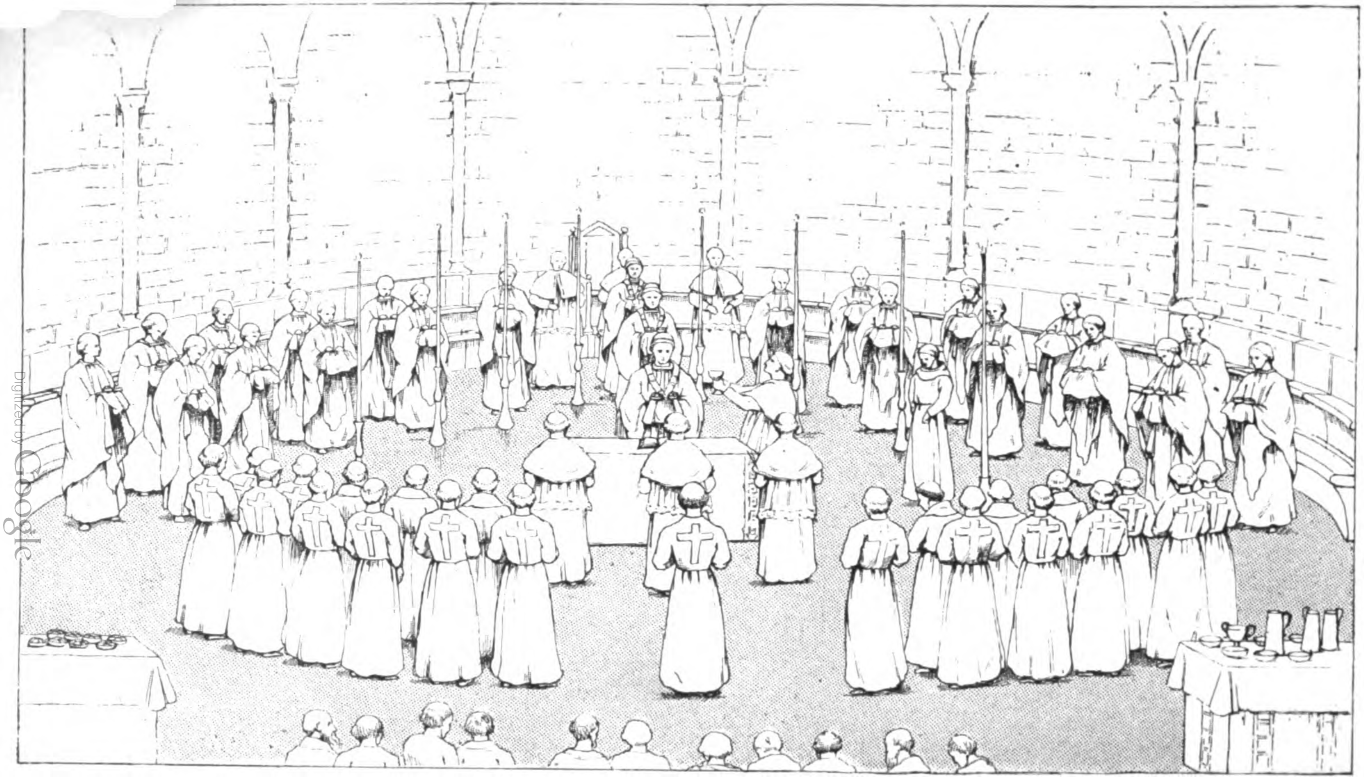
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A COMPLETE

MANUAL OF CANON LAW



SOLEMN MASS AT ROME IN THE NINTH CENTURY

A COMPLETE MANUAL OF

CANON LAW

BY

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AUTHOR OF

"THE SEE OF ROME IN THE MIDDLE AGES," ETC.

Ἐγὼ ἦλθον ἵνα ζωὴν ἔχωσι, καὶ περισσὸν ἔχωσιν.—JOHN X. 10.

VOLUME I

THE SACRAMENTS

JOHN HODGES

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PREFACE.

In the hope that these Short Manuals may contribute in some small degree to help forward that unity for which Christ prayed, by diminishing the prejudice, misunderstanding, and ignorance which is so largely responsible for the present divided state of Christendom, the present volume containing the first series is offered to the public.

We have it on the authority of Christ Himself that He came into the world to be at once the Way, the Truth, and the Life, and that He left it to His Church to carry on the work which He began. It is, therefore, and must ever be the office of the Church to hold Him up to the end of time as the Way, the Truth, and the Life.

In order to manifest Christ as the Way to God, the Church is called upon to be itself the commonwealth of righteousness, the light of the world, the reflection of Him who is the true Light.

In order to display Him as the Truth, the Church is appointed to be the pillar and ground of the truth, handing down through the ages the deposit of faith once for all delivered to the saints.

In order to show forth Christ as the Life, the Church has committed to it the work of communicating spiritual life to others, through prayer and through the sacraments.

This threefold office of the Church involves discipline, Church government, and sacramental administration. For without discipline the Church would soon cease to be the

commonwealth of righteousness and the light of the world; without Church government it would drift into an ever-changing School of thought, a mere reflection of current opinion on religious matters; without the sacraments there would be neither any implanting nor increase of spiritual life.

Under the guidance of the Divine Spirit a large body of laws dealing with each of these subjects has grown up in the course of time. These it is the business of the canonist to collect, to arrange, to reconcile, to preserve. The present volume is an attempt to do this for one of these subjects —the Sacraments. It is proposed to follow it up by others dealing respectively with Discipline and Church government, and then to add a fourth dealing with the modern sphere of their exercise, the parish, and with the liturgical discipline rendered necessary by the upgrowth of the parochial as opposed to the more ancient collegiate and episcopal system.

The author has made it a first principle to avoid everything of a controversial character. As a rule the spiritual instincts of all who have realised the claims which Christianity makes upon them, when not subordinated to temporal considerations, are more generous than their definitions; and the general effect of controversy is to strengthen indeed the controversialist in his opinion, but to strengthen also those who differ from him in theirs. Where differences among authorities point to a difference of rule or practice, an endeavour has been made to trace historically the origin and growth of the difference.

As these Manuals are specially intended for English readers, special prominence has been given in them to English Canon Law. For the same reason it has been thought well to give the authorities quoted as far as possible in an English dress, not because the Latin and Greek which they use is generally hard in itself, but because it is sometimes difficult to follow for those not accustomed to technical language.

The author embraces the opportunity to thank all who have directly or indirectly aided him in his task, more particularly the Very Reverend Monseignor Grainger of the Presbytery, Exmouth, who has at all times given him the free use of his library, the Reverend J. R. Madan, of St. Joseph's Mission to the Maoris, for many useful hints, and Mrs. Wroe, of Chorlton on Medlock, who has kindly supplied the drawing for the frontispiece. Above all, he desires to express his gratitude to the Giver of all good things for giving him health and strength to complete this volume.

A LA RONDE, NEAR LYMPSTONE, DEVON.
All Hallows' Day, 1895.

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SHORT MANUALS OF CANON LAW.

I.

THE SACRAMENTS GENERALLY.

In the Following Pages

H. & S. means Haddan and Stubbs' Councils and Ecclesiastical Documents 1873.

Gratian means the Decretum Gratiani, compiled about the year 1144 A.D.

Decret. means the Decretals of Gregory IX., published A.D. 1234.

Sext. means Liber Sextus of Boniface VIII., published A.D. 1298.

The numbers prefixed to the Constitutions of English archbishops are those which they bear in the English Edition of John Johnson, published A.D. 1720-1.

The numbers after Lynd. refer to the pages in the edition of Lyndwood published at Oxford, 1679.

For convenience of reference to Johnson, Egbert's Excerptions are dated A.D. 740, but excepting the first twenty these extracts do not appear to have been promulgated in Egbert's time.

Meaning and use of the term.

1. The term Sacrament was in early times used to express the military oath which was the sign or pledge of the soldier's allegiance (1), or the money paid into court which was the security that the judgment given in a suit would be carried into effect (2). It was then applied amongst Christians to the solemn profession made at baptism by the soldier of the cross

(1). Concil. Tolet. VIII. A.D. 653, Can. 2 ap. Gratian. Caus. XXII. Qu. 1, c. 1: Every act which conciliates the hearts of friends becomes then more lasting when it is confirmed by the bond of an oath (vinculo sacramenti). Devoti Inst. Lib. II. Tit. II. c. 1.

(2). Devoti l.c. Liebermann Inst. Theol. vi. 3.

which was the pledge of his fidelity to Christ ([3]), and afterwards in a wider sense to any outward and visible sign which serves as a shell to enclose a sacred kernel and is at once the security for the reception of some spiritual gift ([4]) and also the means of conveying it to the soul ([5]).

2. Since every good gift comes from God ([6]), outward signs can only then be effective to convey inward graces to the soul when God works through them ([7]). Hence every sacrament requires a divine institution or at least a divine co-operation. A sacrament may nevertheless be an effectual sign of grace, which has been instituted for this purpose either (1) directly by Christ as the sacraments of baptism and the Eucharist were; or (2) indirectly in pursuance of Christ's instructions to the Apostles

(3). In this sense Pliny, x. 96, says that the "Christians bound themselves with a solemn profession (sacramento se obstrinxerunt) not to commit theft, murder or adultery."

(4). Augustin ap. Gratian III. Dist. II. c. 32 : Invisibilis gratiae visibilis forma where forma is defined to be sacrum signum, or sacramentum, *i. e.* the sacramental sign. *Id. Ibid.* c. 33 : The sign or pledge is the reality other than the impression made on the senses which causes of itself some other thing to come to the receiver's knowledge (Signum est res praeter speciem quam ingerit sensibus, aliud aliquid ex se faciens in cognitionem venire, *i.e.* the superphenomenal reality which produces a sacramental effect whilst the phenomena or attributes strike the senses). Augustin *Ibid.* 72, and Ambros, *Ibid.* 74, explain that this res is a real thing (res) and not simply a figure (figura). Hilary, *Ibid.* 79, calls it a real verity (veritas) since the Body and Blood of Christ are believed to be there in truth. Lanfranc, *Ibid.* c. 48, Lynd. 39, 9 and 43 : Sacramentum est materiale elementum extrinsecus oculis suppositum ex institutione significans, ex similitudine repraesentans, ex sanctificatione aliqua gratiam conferens.

(5). Pseudo-Gregory ap. Gratian Cau. I. Qu. 1, c. 84 : A sacrament consists in some observance in which a thing is so treated (cum res ita gesta sit) that it is made to signify something which must be received in a holy sense (quod sancte accipiendum est). Lynd. 44, 45.

(6). James I. 17.

(7). Augustin, ap. Gratian Cau. I. Qu. 1, c. 30 : A stone cannot produce fruit out of water, and if water passes by stone-conduits to seed-beds it gets nothing from the stone, yet the garden brings forth much fruit. Col. I. 27 ; I. Cor. III. 7, *Id. Ibid.* c. 88 : and III. Dist. IV. 39 ; The gifts of God come to those who receive them with faith, even at the hands of one who is as Judas was.

as the sacrament of unction appears to have been (8); or (3) remotely as some of the so-called lesser sacramentals used in particular branches of the Church appear to have been in execution of the authority given to the Church by its Founder. All of these, being means of grace, are included in the term sacrament in a general sense.

3. In a narrower sense the lesser sacramentals, which are not of universal observance or are not directly means of grace, are excluded from the meaning of the term, and the word is confined to the greater sacraments common to the whole Church which were directly or indirectly instituted by Christ (9). These include (1) necessary sacraments which originate and keep up the spiritual life, such as baptism and the Eucharist; (2) supplementary sacraments, which either replace the effect of a necessary sacrament when lost, such as penance, or else perfect it when it has been imperfectly received, such as confirmation and extreme unction, which perfect baptism and penance respectively; and (3) voluntary sacraments in which certain states of life, which it is at the option of individuals to embrace or not, convey grace to the soul, such as order and matrimony.

4. In a still more restricted sense the term sacrament is confined to sacraments directly ordained by Christ and generally

(8). Gousset, Théologie Dogmatique II. 261, gives a definition of a sacrament similar to that given above, and states, p. 267, that it is not contrary to the Tridentine definitions, to hold that some of the seven sacraments were only indirectly instituted by Christ. Lynd. 42, says that sacraments are either (1) those which give an increase of dignity, such as confirmation and order, or (2) those which are necessary, such as baptism and marriage, or (3) those which are means of grace, such as the Eucharist, penance, and unction. The two first can only be administered by a bishop, the two next by anyone, the last three only by one who has jurisdiction.

(9). Lynd. 328: Christ's passion is the only remedy for all sin whether actual or original; but the benefit of this passion is received in the sacraments of the Church. Wherefore no man can be rendered whole from actual or original sin without the reception of the sacraments, either actually if he have the opportunity of so receiving them, or intentionally if necessity and not contempt of religion hinders the reception of them. Augustin ap. Gratian III. Dist. IV. c. 34; Innocent III. in Decret. Lib. III. Tit. XLIII. c. 2; Liebermann VI. 35.

necessary for salvation. In this sense there are universally admitted to be two, viz., baptism (10) and the Eucharist (11). In respect of their necessity a distinction arises between the two in that baptism is necessary *de necessitate medii*, or as a means of salvation, whereas the Eucharist is necessary *de necessitate praecepti*, or in obedience to a divine precept (12). Without baptism there can be no new life (13); the Eucharist is such an integral part of the Christian dispensation that no one who rejects it can continue to live.

5. For those who by a sin unto death (14) have cut themselves off from the life of grace a third sacrament is also necessary either actually, or in intention if it cannot be actually had, viz. penance. Since however penance is not universally but only in certain cases necessary for salvation, it may be looked upon as a sacrament which acts as a substitute for a second baptism, and may be said to be supplementarily necessary. There are two other supplementary sacraments, but supplementary in the sense of suppletory, viz. (1) confirmation (15) which is the completion of baptism, and (2) the anointing of the sick which is the completion of penance (16). All of these supplementary sacraments are bestowed by imposition of hands as the sacramental sign, and two of them by the particular form of imposition of hands known as anointing. Hence having regard to the matter of sacraments, they are sometimes spoken of as being three, viz. baptism, the Eucharist, and unction (17).

6. There are two states of life which carry with them sacra-

(10). Matth. xxviii. 19.

(11). Matth. xxvi. 26.

(12). On this distinction see Stillingfleet, Grounds of Prot. Religion, Part I. c. II. p. 51 ; Bramhall, Schisms Guarded, Part. I. p. 492, Vol. II. Oxf. 1842.

(13). John III. 5 ; Lynd. 328, quoted above.

(14). 1 John, v. 16.

(15). Cyprian, Ep. 71, 1, calls confirmation a sacrament. Pseudo-isidor. ap. Gratian III. Dist. v. c. 4, calls it the sacrament of the imposition of hands. Innocent III. in Decret. Lib. I. Tit. xv. § 1.

(16). Innocent, A.D. 416, ap. Gratian I. Dist. xcv. c. 5, calls extreme unction a kind of sacrament.

(17). Tertullian De Praescrip. c. 40, says that the heretics imitate the rites of the Christians, and then enumerates baptism, unction, and the

mental graces, viz. order (18) and matrimony (19). These are called voluntary sacraments (20) because they are voluntary for individuals, although for the Church as a whole they are necessary. Of the two, order is said to be the sacrament of the perfect, matrimony the sacrament of the imperfect (21). Owing to the mystic value of the number seven it has been the custom in most countries of the East as well as the West to speak of the sacraments as seven in number (22), but the enumeration of the seven is not everywhere uniform (23), neither do they all stand on the same level. In this country seven have been counted at least from the 8th century downwards (24), but lat-

Eucharist. De resurrect. 8, Pseudo-Gregory ap. Gratian I. Caus. I. Qu. 1. c. 84 § 3, Isidor. De Offic. c. 39, Raban. De Cler. Inst. I. 24, enumerate three.

(18). Augustin ap. Gratian Caus. I. Qu. I. c. 87 and 97, and III. Dist. IV. c. 32 ; Zosimus, A.D. 418 *Ibid.* I Dist. LXXV. c. 5.

(19). Matrimony is called a sacrament by Isidor. De Orig. Offic. 20, 11.

(20). Gratian Caus. I. Qu. I. c. 39 ; Const. 9 Peckham, A.D. 1281.

(21). Const. 9 Peckham, A.D. 1281.

(22). It was the teaching of Luther that there were three sacraments, or rather one sacrament and three sacramental acts. Melancthon acknowledged three. Zwingle allowed marriage to be a sacrament. Calvin taught two sacraments only, see Devoti. Inst. Proleg. § 15. An Eastern Council in 1638, consisting of three patriarchs and twenty bishops, denounced Anathema upon Cyril Lucar, fabricator of new doctrines, who denied that the seven sacraments, viz. baptism, chrism, penance, the Eucharist, the priesthood, extreme unction, and marriage were instituted by Christ.

(23). According to Maclean's The Catholicos of the East, the Assyrians enumerate baptism, the Eucharist, order, the holy leaven, penance, unction, the sign of the cross.

(24). Laws of Satisfaction, A.D. 725. Const. 2 Otho, A.D. 1237 : We ordain that the sacraments of the Church in which, as in heavenly vessels, the means of salvation are contained . . . . be purely and devoutly administered . . . . For the sake of the simple, we have thought fit to ordain which and how many sacraments they are. They are : baptism, confirmation, penance, the Eucharist, extreme unction, matrimony, and order. Synod of Chichester, A.D. 1246 in Wilkins I. 688 : There are seven ecclesiastical sacraments, baptism for beginners [Gratian III. Dist. IV. c. 142], confirmation [*Ibid.* III. Dist. V. c. 2] for fighters, the Eucharist for travellers [Gratian Caus. XXVI. Qu. VI. c. 7], penance for the returning [*Ibid.* Caus. XXVI. Qu. VII. c. 4], extreme unction for the departing [Caus. XXVI. Qu. VII. c. 1], order for those ministering, and wedlock for toilers. Const. 1

terly custom has inclined to take the term sacrament in its most restricted sense and to speak of the sacraments as two only.

7. Grace may nevertheless be conveyed by other means besides the seven sacraments. Some of these means, such as the washing of the feet ([25]), the agape or benediction-bread, and the ministry of the word or preaching ([26]), were directly ordained by Christ, and contain the three requisites of a sacrament, although they are not universally necessary for salvation. Others are of ecclesiastical appointment, such as the use of holy water and signing with the sign of the cross, and these derive their sacramental value from the Church's intercession. If neither sacraments nor lesser sacramentals are available, grace may be had, without any visible means at all ([27]), by an inward reception or full belief in and desire for them.

Peckham, A.D. 1281 : The most High hath created a medicine for the body of man which was taken out of the earth, reposited in seven vessels, *i.e.* in the seven sacraments of the Church. Const. 9 : There are seven sacraments of grace, of which the prelates of the Church are dispensers, and five thereof every Christian ought to receive, viz. baptism, confirmation, penance, the Eucharist in its proper season, and extreme unction . . . . There are two other sacraments, order and matrimony. The first is proper for the perfect, the other in the times of the New Testament to the imperfect only. Lynd. 43 says : Baptism is the sacrament of faith, confirmation of hope, the Eucharist, of charity, penance of justice, and extreme unction of perseverance, order of prudence, matrimony of temperance. See Gratian Caus. I. Qu. I. c. 39, Schol. Ayliffe, 475, says : Sacraments are of two kinds, (1) necessary, (2) voluntary. Five of the seven are necessary, two are voluntary.

(25). John xiii. 16.

(26). 1 Cor. i. 17 : Christ sent me not to baptise, but to teach. Augustin, ap. Gratian, Caus. I. Qu. I. c. 94 : He is not less guilty who carelessly hears the word of God than he who negligently permits the Body of Christ to fall to the ground. *Ibid.* c. 54.

(27). Augustin, ap. Gratian, III. Dist. IV. c. 34 : Baptism is then invisibly bestowed when necessity and not contempt of religion excludes its ministration. Innocent III. in Decret. lib. III. Tit. XLII. c. 2 ; Lynd. 43 : With adults and discrete persons there may be salvation without any one of these five sacraments being received, I do not say rejected.

The Nature and Essentials of a Sacrament.

8. A sacrament is defined to be a visible sign or series of visible signs used as a means for conveying some invisible grace to the soul (28). It is a pledge which assures the bestowal, and to such as receive it rightly the reception of grace (29), and it is effectual for this purpose by Christ's institution (30) through the co-operation of the Holy Ghost (31). The salutary administration of every sacrament, therefore, involves three things: (1) the use of proper outward signs; (2) the presence of certain conditions in the minister, and (3) the fulfilment of certain conditions in the receiver.

9. In regard to outward signs the Schoolmen distinguish, (1) the sacramental signs or visible things themselves which strike the senses and are called *sacramenta* (32), such as water in baptism, bread and wine in the Eucharist, which after consecration are spoken of as species (33); (2) the real but invisible things which they represent called the *res sacramenti*,

(28). Augustin, ap. Gratian, III. Dist. II. c. 32. Ayliffe, 474.

(29). Augustin, *Ibid.* c. 88: The gifts of God come to those who receive them with faith.

(30). Augustin, *Ibid.* c. 77: We must believe that sacramental signs are constituted by the words of Christ, by Whose command they were first created, by His word verily they are recreated for a better purpose.

(31). Augustin, *Ibid.* Caus. v. Qu. 1, c. 38; Gelasius, *Ibid.* c. 92; Gregory *Ibid.* c. 84: The sacraments are fruitful in the Church because the Holy Spirit residing therein produces unseen the effect of the same sacraments. Whether it be ministered by the good or the bad within the Church it is still a sacrament because the Holy Spirit mystically gives life thereto, Who once, in Apostolic times, appeared in visible manifestations.

(32). Cyprian de Unit. Eccl. c. 7: By the sacrament and sign of His [undivided] garment Christ has declared the unity of the Church. De Orat. Dom. c. 9: What sacramental signs are contained in the Lord's Prayer? Gregory, ap. Gratian III. Dist. II. c. 34: Perficiant in nobis tua sacramenta quod continent. Concil. Cloves. A.D. 747, Can. 10; Egbert's Excerpt. 41, A.D. 740, speak of the sacramenta, *i.e.* the several sacramental signs in baptism.

(33). The term species is used by Augustin, ap. Gratian III. Dist. II. c. 33., and Gregory, *Ibid.* c. 34, to express the outward signs which strike the senses.

such as the cleansing by the water, the Body and Blood of Christ; and (3) the whole sacrament whereby grace is bestowed, called *sacramentum et res* (34). The sacramental signs which strike the senses consist partly of words, partly of things (35) —the spoken word which is called the form, and the visible thing or element which is called the matter (36). When the matter and form are combined with a solemn invocation of the Trinity, or as it is said with intention, the Invisible High Priest Himself constitutes the sacrament (37), and the signs become effectual to convey the spiritual reality.

10. Matter is distinguished as being either remote or proximate (38). The remote matter is the material creature or visible thing which is employed for the purpose of the sacrament apart and distinct from the way in which it is used, such as water or bread and wine (39). The proximate matter is the remote matter used in a particular way, such as the pouring of water in baptism, the presentation of bread and wine in the Eucharist. The form consists of the words ordained by Christ

(34). Lynd. 244, 270, and Ayliffe, 474.

(35). Maldonatus in 4 Dist. xiv. Qu. 4, and Dist. xvi. Qu. 1; Liebermann vi, 13.

(36). Before the time of Hales they were called res or the outward matter and verba or the form. Tertullian De Prescript, c. 40, speaks of the res sacramentorum divinorum, Conf. De Bapt. c. 7; Augustin ap. Gratian, Caus. 1, Qu. 1, c. 54, speaks of elementum and verbum where verbum includes prayer or the minister's intention. *Id. Ibid.* c. 87, calls the form the carmen sacerdotis. Petilian asks: Does a man who sacrilegiously repeats the form without being authorised to use it make a valid sacrament? Lanfranc, *Ibid.* iii. Dist. ii. c. 48.

(37). Eusebius Emissen. ap Gratian iii. Dist. ii. c. 35: The Invisible High Priest converts the visible creatures into the substance of His Body and Blood by His own word, saying: Take, eat, this is My body, etc. Augustin, *Ibid.* iii., Dist. iv. c. 39: It is one thing to baptize ministerially, another to baptize by [inherent] power; § 1: The disciples baptized ministerially, and Judas was then among their number. But those whom Judas baptized were not re-baptized . . . . For those whom Judas baptized Christ baptized. Ambros. De Spirito Sancto, Pref. 18; Lib. ii., 118: Nostra sunt servitia, sed tua sacramenta. Neque enim humanum opus est divina conferre.

(38). Devoti Lib. ii. Tit. ii., c. 7.

(39). Augustin ap. Gratian, iii. Dist. ii. c. 36.

or used by custom in the Church (40). The intention is the prayer or liturgical coupling of the form with the matter, which is either the intention of the Church when a form of prayer is prescribed or the intention of the minister when he makes a proper use of that form. The terms matter, form and intention are not used in this technical sense, before the 13th century (41), but they aptly describe what in earlier times were respectively called the element and the word, the word as then (42) understood meaning the prayer which contains the form.

11. It is also usual to distinguish between the substantial or essential parts of a sacrament and its accessories or adjuncts which are spoken of as non-essential. Some of these accessories which give definiteness and precision to the observance are called integral parts, and are held to be so far necessary that their omission would under ordinary circumstances render the validity of the whole sacrament doubtful. Others which are known to have been introduced to add ceremonial dignity are not integral parts, and are only necessary because they are

(40). Eph. v. 26: Who hath cleansed us by the washing of water through the word (ἐν τῷ ῥήματι). Euseb. Emiss., already quoted, says: The sacrament is consecrated by Christ's own words. Const. 3 Peckham, A.D. 1281, says that a virtue attaches to the words taught by Christ. Lynd. 6, 241, 41, 12, 242, 244, 245.

(41). Morinus attributes this distinction to William of Auxerre, A.D. 1215.

(42). Iren. Haer. v. 2, 5: When the mingled cup and the prepared bread receive the word of God, the Eucharist becomes the Body of Christ. Hieronym. ap. Gratian, Caus. Qu. 1, c. 90, speaks of the solemnis oratio as being necessary to consecrate the Eucharist. Augustin, *Ibid.* c. 54: Take away the [consecrating] word and what is there but water. The word is added to the element and it becomes a sacramental sign. Whence this great power of the water to cleanse the heart by touching the body but by the action of the word? Not because it is uttered but because it is believed [*i.e.* used in prayer]. For even in the word itself the transient sound is one thing, the abiding effect another. Gregory, *Ibid.* III., Dist. II. c. 34: The priest prays that the Body of Christ, which is now in his hand under the visible form (sub specie) of bread and wine may be received with manifest vision of what it really is. Innocent III. in Decret. Lib. III. Tit. xlii. c. 5: Two things are necessary in baptism, the word and the element.

enjoined ([43]). In times anterior to these scholastic distinctions each sacrament appears to have been looked upon as a great and complex whole ([44]), consisting of several sacramental signs requiring the corporate action of many persons ([45]). The grace of the sacrament was held to be the result of the whole series of acts, and of the common prayers of the faithful which accompanied them ([46]). Participation was moreover required in what are now regarded as lengthy preparations before any one could aspire to reap the benefit of the promise made by Christ that whatever two or three should ask in His name should be granted them.

12. The administration of the sacraments or manner of using the proper outward signs is according to Western custom threefold, viz., (1) solemn, (2) public, and (3) private. Whenever all the constituent signs are used by the whole Church, each member according to his position contributing directly thereto, the administration is termed a solemn administration. One conducted by a single presbyter or deacon, vicariously on behalf of all the members of some recognised Church-unit or congregation, and as nearly as circumstances allow in the same way as a solemn administration, is termed a public but not a solemn administration. One performed in a private chapel or house on behalf of an individual or private group of Christians, and shorn of many of those acts which indicate the participation of all, is a private administration.

(43). Tournely, De Confirm. Qu. 1, Art. III. : In administering and receiving sacraments no one of these things ought to be omitted which the Church observes and commands.

(44). Thomas Aquinas, Part III. Quaest. 67, Art. 6 : Unum baptisma est nec potest sacramentum in partes secari.

(45). Clem. Strom. VII. 6: Breathing together (σύμπνοια) is properly said of the Church.

(46). Cyprian De Orat. Dom. c. 8 : They [three] spoke as from one mouth, and therefore as they prayed their speech was availing . . . God, Who maketh men to be of one mind in a house, only admits to the eternal home those among whom prayer is unanimous. *Id.* De Unit. Eccl. c. 12 : The Lord said, If two of you shall agree on earth . . . it shall be given you . . . . showing that most is given not to the multitude, but to the unanimity of them that pray.

13. On the part of the minister two conditions are required. (1) He must possess the necessary capacity and authority to administer the sacraments, which in most cases involves both order and jurisdiction; (2) he must have the intention of ministering the particular sacrament at the time, *i.e.* he must not only conform to the Church's intention by following the prescribed liturgical form where such exists, but he must follow it intending to do what the Church intends (47). Neither faith nor holiness are essential on his part to give validity to the sacrament, because the great High Priest is the real agent, from Whom alone the effectual hallowing comes (48). Were it otherwise doubts would arise as to the validity of every sacrament.

14. Order is required in the minister for all sacraments (49) except baptism in case of necessity, (50) and matrimony (51); and jurisdiction for all sacraments except baptism and penance in cases of necessity (52). In cases of necessity a layman may baptize and a priest without jurisdiction may give penance, because the authority of the Church, at least in the West, has by anticipation invested him with the necessary order and jurisdiction for the purpose (53).

(47). Lynd. 245.

(48). Lynd. 43: In and through the sacraments the grace of healing must be drawn from Christ the Chief Physician, although He has not so restricted His power to the sacraments but that He can by other means bestow grace.

(49). Augustin ap. Gratian, Caus. 1, Qu. 1, c. 96: From which it is seen that the Spirit of grace does not follow the person of him who is worthy or unworthy, but the ordination by tradition, so that however meritorious a person may be he cannot bless unless he have been ordained to exhibit the office of the ministry.

(50). Lynd. 41, 243, says that although a presbyter may baptize in presence of a bishop because baptizing belongs to his office, yet no other cleric may baptize in presence of a presbyter, nor a layman in presence of a cleric, nor a woman in presence of a man, because these are only allowed to baptize in cases of necessity.

(51). Devoti Lib. II. Tit. II. § 14; Dalrymple *v.* Dalrymple, 2 Hagg. Cons. 64: Before the Council of Trent marriage had the character of a sacrament and the full essence of matrimony without the intervention of a priest.

(52). *See* Penance.

(53). *See* Punishments.

15. The intention required on the part of the minister (54) involves such a use of the prescribed or customary liturgical forms as belongs to an intelligent agent, and not to an unconscious automaton or to one acting in mimicry (55). The Schoolmen distinguish three kinds of intention: (1) actual when a person deliberately does a thing, intending to do it all the time; (2) virtual, when, having made up his mind to do a thing, and begun it with that intention, his mind afterwards wanders whilst he is doing it; and (3) habitual when he does a thing from habit without specially thinking of what he is doing, but without any contrary intention. In any one whose office it is to administer a sacrament, virtual and even habitual intention in public discharge of it suffices (56), since the minister is the agent through whom the great High Priest acts (57).

(54). Concil. Florent. A.D. 1439, Decret. ad Armenos: Sacraments are constituted by three things—things as the matter, words as the form, and the person of the minister who performs the sacrament acting with the intention of doing what the Church does. Lynd. 65, says that a layman can validly baptize so that he has the intention to baptize, and observes the form of the Church. *Id.* 235, says that to constitute the Eucharist there must be virtus verborum et intentio illius qui hoc sacramentum instituit, just as *Id.* 121, says that to constitute theft there must be animus furandi.

(55). Augustin ap. Gratian III. Dist. IV. c. 31: Hieronym. *Ibid.* Caus. I. Qu. 1, c. 90: Priests go wrong in thinking that the words and not the life [*i. e.* so far as it affects the intercession] make the Eucharist, and that the solemn prayer (orationem) is alone necessary, and not the merits of the priest [which make it effective intercession]. See the story of Athanasius in Socrates, 1, 15, and Bonaventura, 4 Dist. 6 Qu. 1, art. 2; Gavanti Thesaurus I. 337; Maskell's Ancient Liturgy, 119, Lynd. 40: No sacrament or other ecclesiastical act can be valid which is done without the intention of performing it. It is otherwise if it is done with the intention of performing it conditionally.

(56). Liebermann, VI. 61, shows from the context that Thom. Aquin. III. Qu. 64, art. 8, uses habitual in the ordinary sense of virtual.

(57). Devoti., Lib. II. Tit. II. § 16; Benedict XIV. De Syn., Lib. VII. c. 6, No 9, says of baptism by Calvinists: The private error of the minister does not hinder the validity of the sacrament, but is overborne by his general intention to do what Christ instituted, or what is done in Christ's true Church. Craisson, § 3185. Thom. Aquin. III. Qu. 64, art. 10: The perverse intention of the minister perverts his work, not that of another; and therefore, that which he does is perverted so far as it is his work, but not in so far as it is Christ's work.

What is wanting in the minister's intention is supplied by the intention and prayers of the faithful on whose behalf he ministers (58).

16. For the same reason the validity of the sacraments is not impaired by the unworthiness of the minister (59). Nevertheless, sacraments ought not to be received at the hands of those known to be unworthy (60). If the unworthiness arises from irregularity or ecclesiastical censure, the duty to refuse them on this account does not arise until the irregularity or censure has been brought home (61). If it is caused by a sin unto death, the sacraments may still be received at the hands of those who are guilty of such sins, unless the sin is personally known to the receiver. In such a case it were better to abstain from receiving them for fear of being a partaker in the sin.

(58). Thom. Aquin. III., Qu. 64, art. 8.

(59). The Donatist controversy arose on this point. The Donatists contended that since Felix of Aptunga was a traditor, his ordination of Caecilian was invalid. Augustin ap. Gratian, Caus. I. Qu. 1, c. 30: The spiritual efficacy of the sacraments is received pure as the light by those who are to be enlightened thereby, and is not sullied because it passes through the unclean. c. 32: The sacraments of God are always good (recta) by whomsoever they may be administered. *Ibid.* c. 33-38, c. 46: Those whom Judas baptized, Christ baptized, so those whom a drunkard, a murderer, an adulterer baptized, Christ baptized, if it was the baptism of Christ; c. 58, 87: The manners of evil men cannot hurt the sacraments of God; c. 77, 89, 98: *Ibid.* III. Dist. II. c. 26; Anastasius A.D. 497, *Ibid.* 1, Dist. XIX. c. 8: Baptism, though given by an adulterer and a thief, comes unsullied to him who receives it. . . If the rays of the visible sun passing through the foulest places are not sullied by contact with them, much less is the power of Him Who has made that sun visible restrained by any unworthiness of the minister. Gregory, *Ibid.* Caus. I. Qu. I. c. 84: Nicolaus, A.D. 866, *Ibid.*, Caus. XV. Qu. VIII. c. 5, compares an unworthy minister to a wax torch giving light to others but burning away itself. Decret. Lib. III. Tit. II. c. 7 and 10; Lynd. 43, 236, 341.

(60) Cyprian, Ep. 67, 3: A people obedient to the Lord ought to separate themselves from a sinful prelate. Nicolaus II. *Ibid.* I. Dist. XXXII. c. 5: Let no one attend the mass of a priest whom he knows for certain to keep a concubine. Alexander II. *Ibid.* c. 6.

(61). Nicolaus I. A.D. 866, ap. Gratian, Caus. XV. Qu. VIII. c. 5: Whatever a priest may be himself he cannot defile that which is holy. Communion ought not therefore to be refused at his hands until he is convicted by the judgment of the bishops. Gratian, Caus. IX. Qu. 1.

17. To obtain the grace of a sacrament three things are requisite in the receiver. (1) He must have the intention to receive the particular sacrament, because grace is given to no one unwilling to receive it (62). (2) He must be generally capable of receiving it, *i. e.*, he must be baptised before he can receive any other sacrament, and must be a man and not a woman before he can be ordained (63). And (3) he must be morally qualified to receive it (64). Should he be known to be unqualified the sacrament should be refused him if he applies for it privately, but not if he applies for it openly unless he is a convicted or notorious offender, because every one has a right to his public reputation (65), and no man can know in how short a time God may work a change in the soul (66).

18. Baptism may nevertheless be administered to the children of Christian parents although they have not the intention to receive it, and to other children provided they are

(62) Innocent III. in Decret. Lib. III. Tit. XLII. c. 3; Liguori Lib. VI. No. 139, says that baptism administered by force against the mind's desire is an absolute nullity. On the other hand, Augustin ap. Gratian III. Dist. IV. c. 31, says that baptism obtained by deceit is nevertheless true baptism. Lynd. 43: The sacraments invariably are the channels of truth, but they are not always effective means of health, which does not arise from defect on the part of the sacrament, but on the part of the receiver, because grace is given to no one unwilling to receive it.

(63). Apost. Const. III. 6: We do not permit our women to teach in the Church (1 Cor. XIV. 34). *Ibid.* III. 9: The blessed Virgin was not employed to baptize Christ, but John the Baptist. Egbert's Excerpt. 87 to v. 740; Hobart p. 149: If a mere layman . . . be instituted and inducted [to a benefice] this is not a mere nullity, but he is a parson de facto . . . and his insufficiency must receive examination, but the incapacity of a woman appears in itself. Gratian I. Dist. XIII. c. 25.

(64). Augustin ap. Gratian, Caus. I. Ru. 1, c. 78: All sacraments, as they prejudice those who treat them unworthily, so they benefit those who worthily receive them. Innocent III. in Decret. Lib. III. Tit. XLII. c. 3.

(65). Concil. Afric. ap. Gratian, Caus. VI. Qu. II. c. 3; Eugenius in Decret. Lib. I. Tit. XXXI. c. 2; Alexander III. *Ibid.* Lib. II. Tit. I. c. 4; Thomas Aquin. 3 Qu. 80, art. 6. Craisson § 3209.

(66). Theodori Poenit. 1. VIII. 5, in H. and S. III. 184: True conversion may take place at the last moment, because God regards not only time but the heart, and the robber in his last hour by one moment's confession deserved to be in paradise.

placed among Christian surroundings. With adults this cannot be done, but they must always have such an intention as leads them to ask for it. For all sacraments, excepting penance and matrimony, habitual intention suffices in the receiver (67), and even interpretative intention is enough to qualify for the reception of extreme unction (68); but penance and matrimony require actual or at least virtual intention, because in them the receiver is also a co-ministrator.

THE EFFECT OF SACRAMENTS.

19. The effect of sacraments, when properly administered and rightly received, is in all cases to bestow grace (69), and in some sacraments to impress a character also. The grace bestowed includes (1) sanctifying, and also (2) what is termed sacramental grace; the character is an indelible character.

20. Sanctifying grace is the grace of the Holy Spirit communicating holiness (70) which renders the soul well-disposed towards God, and is spoken of as *gratia gratum faciens.* It is

(67). Craisson, § 3235.

(68). Const. 9, Peckham, A.D. 1281, directs extreme unction to be given to frenzied persons at lucid intervals. Devoti, § 47.

(69). According to Lynd. 309, grace means three things: (1) Generally the divine assistance given to every act which has made us what we are; (2) specifically the assistance whereby man prepares himself to receive a gift of the Spirit; and (3) the Divine gift itself. In 1 Cor. xv. 10, it is used in all three senses: (1) By the grace of God I am what I am; (2) His grace which was bestowed on me was not in vain; (3) I laboured, yet not I but the Grace of God which was with me. Grace is moreover either (1) effectual and operative, or (2) co-operative: effectual grace is either preventive, initiative, or victorious; co-operative grace is either supplementary, perfecting, or assisting. The Thomists and Scotists differ as to the way in which the sacraments bestow grace, the Thomists alleging that they are the physical cause of grace, the Scotists, that they are its moral cause. Scotus, Lib. IV. Dist. 6, Qu. 5; Devoti. Lib. II. Tit. II. § 9, 13.

(70). Concil. Milev. A.D. 402, Can. 3 in Codex Eccles. Afric. III: Whoever says that the grace of God, whereby a man is justified through Christ, only avails for the forgiveness of past sins and not as a help against committing them in future, let him be anathema.

sometimes primary and quickening (71), as when a new life is implanted at baptism, or a sinner is reconciled to God in penance. At other times it is secondary and confirming, as when an additional grace is added to one already possessed (72), as in confirmation and order. Sacramental grace is the grace peculiar to each sacrament, whereby aid is given to the recipient as power and not as mere knowledge (73) for the discharge of the special obligations which that sacrament imposes (74). In baptism and penance primary grace is bestowed, and hence these are called sacraments of the dead. In all others, viz. confirmation, the Eucharist, extreme unction, order, and matrimony, secondary grace is superadded. These, therefore, are called sacraments of the living.

21. By character is understood a spiritual mark or seal (75) impressed on the soul, whereby the recipient is distinguished from all others who have not received the sacrament impressing it. The impression of a character is confined to three sacraments, viz., baptism, confirmation, and order, and because in each case it is indelible, no one of these sacraments may be repeated without sacrilege (76). If, however, there is reasonable ground to

(71). Concil. Araus. II. A.D. 529, Can. 5, declares that the beginning of faith is not from ourselves, but from the grace of God; Can. 7: that of ourselves we cannot even think what is good. Liebermann VI. 100.

(72). Devoti. Inst. Lib. II. Tit. II. § 10.

(73). Concil. Milev. Can. 3 in Codex Eccles. Afri. 112: If any one says that grace helps us not to sin because it enables us to understand what we are commanded to do, but does not give us the power of doing what we know, let him be anathema.

(74). Gousset Théologie Dogmatique, II. 270.

(75). Eph. i. 13, vi. 30; 2 Cor. i. 21; Cyril. Catech. xvii.; Chrysost. Hom. v. in 2 Cor.: As soldiers bear a mark, so likewise do the faithful, one imposed by the Spirit.

(76). Gratian, Caus. I. Qu. I. c. 57; Theodori Poenit. II. VIII. 3, A.D. 673, in H. and S. III. 197: Whoever has a doubt about his baptism, let him be baptized. Concil. Westminster, A.D. 1200, Can. 3: If there be a doubt whether one have been baptized or confirmed, we charge that the sacrament, of which there is a doubt, be conferred. The conditional repetition of a sacrament is referred by Devoti. Lib. II. Tit. II. c. 7, to the time of Boniface, A.D. 745. It is enjoined by Alexander III. in Decret. Lib. III. Tit. XLII. c. 2; Const. 3 Peckham, A.D. 1281. Lynd. 40 says a condition must be one of two kinds. Either it is contrary to the nature of the act, in

believe that any one of them has not been properly received, in such case the sacrament may by Western rule be repeated conditionally. If the good of others requires it, or if it is known to have been improperly received (77), it ought to be repeated (78). In no case may any sacrament be given for fee or reward (79).

Sacramental Signs and Their Uses.

22. The principal outward signs ordained for sacramental purposes are: (1) water, (2) bread and wine, (3) oil either pure or in the form of chrism, the latter being an ointment com-

which case the act is not done at all; or it is a collateral condition, in which case it is of no force to avoid the act. See Decret. Lib. IV. Tit. V. c. 7. Hence conditional baptism is not a sacrilegious reiteration of the sacrament. Lynd. 41, 244; Ayliffe, 103.

(77). Gratian Caus. I. Qu. I. c. 52.

(78). *Ibid.* c. 59.

(79). Iren. Haer. II. 31, 3, and 32, 4; Concil. Elib. Can. 48, A.D. 305, in Gratian Caus. I. Qu. I. c. 104: It is decreed that they who are baptized do not put money into the chest (concham), lest the priest should seem to bestow for money that which he has freely received. Gelasius, A.D. 494, *Ibid.* c. 99: Let priests make no charge for baptising or confirming the faithful. Concil. Brac. II. Can. 4 and 7, A.D. 572, *Ibid.* c. 102 and 103; Concil. Barcin. II. A.D. 599, Can. 2; Syn. Trul. A.D. 692, Can. 23, *Ibid.* c. 100: Let no bishop, priest, or deacon, who dispenses holy communion, make any demand on him who receives the grace of communion. Concil. Tolet. XI. A.D. 675, Can. 3; Concil. Cabilon. II. A.D. 813, Can. 16, *Ibid.* c. 106; Concil. Tribur. A.D. 895, *Ibid.* c. 105; Egbert's Excerpt, 12, A.D. 740: That no priest presume to sell a sacred order or the sacrament of baptism; 40: Let priests give the sacrament of baptism to all that want it, and forthwith succour all that desire penance, requiring no pay for it, unless they or their parents, or god-parents, freely give somewhat. Elfric Can. 27, A.D. 957: Let not the servants of God perform their ministrations for money. Concil. London, A.D. 1126, Can. 2: That no price be demanded for chrism, oil, baptism, visiting or anointing the sick, for the communion of the Body of Christ, or for burial. Concil. Westminster, A.D. 1138, Can. I., adds to the above list penance and espousals of women, making excommunication the penalty for disobedience. Concil. London, A.D. 1175, Can. 7; Concil. Westminster, A.D. 1200, Can. 8, repeat the same. Const. 27 Langton, A.D. 1222, after forbidding burial, baptism, or any sacrament or the contracting of matrimony to be denied for money adds: Our will is that the ordinary do justice as to what is used by custom

pound of oil and balsam in the Western Church (80), of oil and thirty-five different herbs in the Eastern Church, and (4) salt. (81) The principal sacramental acts are (1) the imposition of hands, including anointing and signing with the sign of the cross, (2) the washing of the feet, (3) the preaching of the Word, and (4) almsgiving. Some of these constitute the sacramental signs of the principal sacraments, others stand alone as lesser sacramentals.

23. Water is used for spiritual cleansing both in the sacrament of baptism and also in the lesser sacramental rite, purifying with holy water. Bread and wine are employed for the memorial oblation and sacrificial communion of the Eucharist, and also for the lesser sacramental which keeps up the communion of saints, the agape of ancient times, the benediction bread and benediction-wine of after times.

24. Oil and chrism are used to bestow in varying degree some gift of the Spirit,—oil to bestow the strength of the Spirit given from without, (82) chrism to impress the highest spiritual gift, the indwelling Spirit, the pledge and seal of

to be given according to the general council [*i. e.* Can. 66 of Concil. Lat. IV. A.D. 1215, in Decret. Lib. V. Tit. III. c. 42]. Const. 4 Otho, A.D. 1237, forbids fees for penance; but Const. 7 Edmund, A.D. 1236, allows the payment of a fee for breaking the ground at burial by custom. Const. 2 Othobon. A.D. 1268: To demand anything for chrism or the holy oil we judge unreasonable. Lynd. 79, 278.

(80). Its composition is given by Innocent III. in Decret. Lib. I. Tit. XV. § 2.

(81). In the prayer Exorcizo te creatura salis, in Leofric Missal, 235, salt is called salutare sacramentum ad effugandum inimicum.

(82). Clem. Recog. I. 45: Him first God anointed with oil, which was taken from the wood of the tree of life. From that anointing He is called Christ. Thence He Himself, according to the appointment of His Father, anoints with similar oil every one of the faithful, when they come to His kingdom for their refreshment after their labours. Apost. Const. III. 17: In baptism the oil is instead of the Holy Ghost. Leofric Missal, p. 258. Innocent III. A.D. 1204, in Decret. Lib. I. Tit. XV. § 2: To exhibit the visible unction, oil is blessed which is called either the oil of the catechumens or the sickman's oil and chrism is made, which is compounded of oil and balsam for a mystic reason. By oil clearness of conscience is expressed . . . . By balsam, the perfume of a good report . . . . Respecting clearness of conscience the apostle says, "Our glory is this the testimony of

habitual sanctification. ([83]) The candidate for baptism is anointed with oil to strengthen him for the new life before he is regenerated; the newly-ordered priest to strengthen him for his new duties; the sick man in extreme unction to fortify him for the passage from this world to the next. Sealing with chrism is the final act in baptism, ([84]) in confirmation, ([85]) in the consecration of a bishop, and it is also used for the permanent hallowing and irrevocable devotion to holy purposes of churches, altars and sacred vessels ([86]) as distinct from simply blessing them.

25. The imposition of hands is a term used to express any outward act in which the hand ([87]) conveys the benefit of cor-

a good conscience," for "the king's daughter is all glorious within." Respecting the perfume of a good report the same apostle says, "For we are a sweet savour of Christ everywhere." Lynd. 37.

(83). Iren. III. 18, 3: It is the Father who anoints, but the Son who is anointed by the Spirit who is the unction. Tertullian, De Resurr. 8: The flesh is anointed that the soul may be consecrated. Apost. Const. III. 17: The ointment is the confirmation of the confession; VII. 22: The ointment is the seal of the covenant. Pseudo.-Isidor. ap. Gratian. I. Dist. LXXV. c. 1: All sanctification comes from the Holy Ghost Whose invisible virtue is bound up with holy chrism. Stat. Eccl. Ant. A.D. 505, Can. 36, *Ibid.* I. Dist. XCV. c. 4.

(84). Apost. Const. vii. 22.

(85). Rabanus ap. Gratian, III. Dist. V. c. 5: The baptised person is signed with chrism by the priest on the top of the head, but by the bishop on the brow, the former unction signifying the descent of the Holy Ghost upon him to make His habitation there; the second implying that the sevenfold grace of the Holy Spirit has come to him with the plenitude of knowledge, holiness and power.

(86). Innocent III. in Decret. Lib. I. Tit. XV. § 8.

(87). Apost. Const. VIII. 38: Bow down for the imposition of hands. And let the bishop add this prayer (blessing). Augustin ap. Gratian, Caus I. Qu. I. c. 74: The imposition of hands is not like baptism a thing not to be repeated; for what else is it but a prayer (benediction) over a man? Stat. Eccl. Ant. Can. 2. ap. Gratian I. Dist. XXIII. c. 7, speaks of "pouring the blessing over a bishop when he is consecrated." Concil. Agath. A.D. 506, *Ibid.* I. Dist. LXXVII. c. 6, calls the ordaining of a deacon the blessing of a deacon. Isidor. De offic. c. 54: The imposition of hands is given for this reason, that the Holy Spirit may be invited being summoned by the benediction. Concil. Tolet. IV. A.D. 633, Can. 13, speaks of impositions of hands (*i. e.* forms of benediction) being composed like

porate prayer to the individual. Anointing with oil ([88]) and anointing with chrism ([89]) are emphatic forms of it, whereby those spiritual gifts which require the prayers of the whole fasting Church as well as of the faithful present at the time are communicated. Usually the benefit of the prayers of others is imparted by a simple elevation ([90]) or touch of the hand called a blessing, or by signing with the sign of the cross. Imposition of hands is used at baptism ([91]) and confirmation, at the ordination of a bishop ([92]), priest ([93]) or reader ([94]), to mark the bestowal of a permanent character; in penance ([95]) and

solemn prayers (missae), collects (orationes) and commendation prayers. Concil. Chelsea, A.D. 787, Can. 6: Let not a priest desert the Church to which he was blessed (*i. e.* ordained). Leofric Missal, 233, calls a prayer and signing with the sign of the cross an impositio manuum.

(88). Concil. Elib. A.D. 305, Can. 39 and Concil. Arelat. A.D. 314, Can. 6, call the rite whereby a person was made a catechumen the imposition of hands. It consisted in signing with the sign of the cross and anointing with oil. The anointing before baptism with oil is called imposition of hands in Apost. Const. III. 15, and anointing a king is so called by Innocent III. in Decret. Lib. I. Tit. vi. c. 34.

(89). Innocent III. in Decret. Lib. I. Tit. xv. § 7: By impressing chrism on the brow the imposition of hands is expressed. Anointing with oil and chrism was the Gallican practice, but not the Roman in ordaining before the 9th century. *See* Order, § 21.

(90) Lynd. 338. Tertullian De resurr. c. 8: The flesh is overshadowed (adumbratur) at the imposition of hands.

(91). Tertullian, De bapt. c. 8, says that impositio manuum is the final act in baptism.

(92). Stat. Eccl. Ant. A.D. 505, Can. 2. ap. Gratian I. Dist. XXIII. c. 7.

(93). *See* Order, § 20.

(94). Syn. VII. A.D. 787, ap. Gratian I. Dist. LXIX. c. 1.

(95). Stat. Eccl. Ant. A.D. 505, c. 80, ap. Gratian Can. XXVI. Qu. VII. c. 6: Every fasting season let the priests' hands be laid on penitents. Concil. Agath. A.D. 506, *Ibid.* I. Dist. L. c. 63: Let penitents when they apply for penance receive the imposition of hands and of sackcloth upon the head from the bishop. *Ibid.* c. 64: Let the bishop place his hand on them and sprinkle them with holy water. Concil. Cathag. V. A.D. 401, *ibid.* c. 65; Leo A.D. 458, *ibid.* c. 67: It is contrary to ecclesiastical custom that priests or deacons guilty of any crime do receive the remedy of penance by the imposition of hands. Concil. Tolet. III. A.D. 589, Can. 11, requires those who come repeatedly to penance to do public penance, and to receive frequently the imposition of hands.

exorcism ([96]) to give healing; in receiving a heretic to reconcile ([97]); in simple benediction to strengthen by the prayers of others ([98]).

26. Signing with the sign of the cross ([99]), without any accompanying blessing, is a reminder that a Christian is the servant of the Crucified. It is therefore used to a catechumen when he is first admitted into Christ's service, and also to a Christian when he is readmitted after any great fall through penance ([100]). Individual Christians have from the earliest times ever employed it to call to mind that continual consecration of themselves as a living sacrifice to God, whereby they are enabled successfully to overcome temptations ([101]).

27. The washing of the feet was enjoined by Christ Himself as an act of humility, and a blessing was promised by Him as the sacramental effect ([102]) to those who therein followed

(96). Stat. Eccl. Ant. Can. 7, ap. Gratian I. Dist. XXIII. c. 17, authorises an exorcist to lay his hand on energumens.

(97). Innocent I. A.D. 416, ap. Gratian, Caus. 1, Qu. 1, c. 73.

(98). This was anciently called in the West the collectio or blessing prayer. See Worship.

(99). Basil ap. Gratian I. Dist. XI. c. 5. Apost. Const. VIII. 12, directs the bishop to commence the Eucharistic service by signing his forehead with the sign of the Cross. Cap. 29, Theodulf, A.D. 994, directs everyone to use it in making his daily prayer. Augustin, contra Faustum XIX. 14, calls it a sacramental sign.

(100). Const. 6 Peckham, A.D. 1281, calls it signaculum absolutionis; Lynd. 340.

(101). Rom. XII. 1; Tertullian de cor. c. 3: At every forward step and movement, at every going in and out, when we put on our clothes and shoes, when we bathe, when we sit at table, when we light the lamps, on couch, on seat, in all the ordinary actions of daily life we trace upon the forehead the sign of the Cross. Baeda IV. 24, relates of the dying Caedmon that "signing himself with the sign of the Cross he laid his head on the pillow and so ended his life."

(102). John XIII. 14, 17: Theodori Poenit. II. VI. 15, A.D. 673 in H. and S. III. 196: It is at the option of a monastery to wash laymen's feet. Except on Maunday Thursday they are not bound so to do. Concil. Tolet. XVII. A.D. 694, Can. 3: Although the washing of the feet is at all times expedient yet it is necessary that it be more especially observed on the day on which it was practised by Christ. Pseudo-Ambros. De Sacram. Lib. III. calls it a sacrament.

His example. By Him also the spoken word was ordained (103) to be an instrument of correction, contrition and instruction to hearers (104), and almsgiving to be a means of blessing to the giver (105). All of these, therefore, are divinely appointed signs of grace. Nevertheless, it is not usual to enumerate them among sacraments, because they are isolated sacramental signs (106).

(103). Matth. x. 27 ; Mark III. 14 ; Luke IX. 2 ; Acts x. 42. In I. Cor. I. 17, St. Paul says Christ sent me not to baptize but to preach. Leo, A.D. 445, ap. Gratian I. Dist. XIX. c. 7 : Christ willed that the sacramental sign of this gift [of preaching] should belong to all the Apostles.

(104). Gregory ap. Gratian I. Dist. XLIII. c. 1 ; Lynd. 288 : The preaching of God's Word is sometimes a cause of correction ; for it breaks the heart through fear, as Jeremiah [XXIII. 29] says : . . . It wears away the heart through grief, as the Psalmist [XI. 17] says . . . It softens the heart through love, as it is written in Canticles [V. 2].

(105). Luke xi. 41 ; Acts xx. 35.

(106). Liebermann, VI. 35, says that the washing of the feet is not in itself a means of grace. But as this does not agree with the words of Christ it seems more probable that it was not included among the great sacraments, because it consists of one and not of several sacramental signs.

II.

THE SACRAMENT OF BAPTISM.

BAPTISM.

1. Among all the sacraments baptism holds the first place, and is called the sacrament of entrance or the foundation-sacrament ([1]) and the door of all other sacraments ([2]). It cleanses from sin both original and actual ([3]), delivers from the danger of condemnation and gives admission to the kingdom of heaven ([4]). Thereby the baptized person is incorporated into the Body of Christ ([5]), is new-born of the Spirit ([6]) and placed

(1). Basil. De Spir. Sanct. c. 12.

(2). Gregor. Nazianzen Orat. 40, says that baptism is sometimes called the gift (δῶρον), sometimes grace (χάρισμα), sometimes enlightenment (φώτισμα) or the garment of immortality (ἀφθαρσίας ἔνδυμα), sometimes the washing of the new birth (λούτρον παλιγγενεσίας) or the seal (σφραγίς). Lynd. 43, sacramentum introeuntium et dicitur janua omnium sacramentorum. Innocent III in Decret. Lib. III, Tit. XLIII, c. 3, A.D. 1206, calls it the foundation of all other sacraments.

(3). In the New Testament, Acts ii. 38; xxii. 16; 1 Pet. iii. 21; Eph. v. 26. Concil. Milev. A.D. 402, Can. 2, in Codex Eccles. Afric. Can. 110, anathematizes those who forbid the baptism of children, or say that baptism does not effect the remission of sins. Augustin ap. Gratian, III. Dist. IV. c. 3, Chrysostom. *Ibid.* c. 4; Theodori Poenit. II. IV. I. A.D. 673, in Haddan & Stubbs III. 194: In baptism sins are forgiven. Boniface ap. Gratian l. c. c. 136.

(4). Innocent III in Decret. Lib. III. Tit. XLII. c. 2, states that the baptism of John only conferred one of these three benefits. Thomas Aquinas III. Qu. 38, Art. 1, c. 1, says that the baptism of John was only a kind of preparatory sacramental rite. Devoti Inst. Lib. II. Tit. II, § 26.

(5). Rom. vi. 3; 1 Cor. xii. 13; Augustin ap. Gratian III. Dist. IV, c. 143; Ambros. *Ibid.* c. 9; Boniface, *Ibid.* c. 131 and 133.

(6). Iren. Haer, l. III. 17: Christ gave to the disciples the power of regeneration unto God. I. 21, 1. Concil. Elib. A.D. 305, c. 2: Those who have sacrificed after [coming to] the faith of the washing and regeneration.

in the way of salvation (7). There are in baptism two parts, one called the saving laver or the cleansing from sin, the other the renewal of the Holy Ghost or the implanting of a new spiritual life (8).

2. The essentials of baptism (9) as the saving laver are water (10) in its natural state (11) as the remote matter, the application of it as the proximate matter and words expressing that the person is baptized in the name of the Father, the

Gelasius A.D. 494, ap. Gratian Caus. I. Qu. I. c. 99; nor let them seek to disturb those who are new born by imposing any demands. Innocent III. in Decret. Lib. III. Tit. XLII. c. 3.

(7). Acts ii. 46, calls them *οἱ σωζόμενοι.* Concil. Constant. A.D. 382, Can. 7, says he comes over to the party of the saved. Const. I. Othobon, A.D. 1268: Baptism is known to be the first plank which brings them that sail thro' this troublesome world to the port of salvation.

(8). John iii. 5. Titus iii. 5, mentions (1) the *λοῦτρον παλιγγενεσίας*, (2) the *ἀνακαίνωσις Πνεύματος Ἁγίου.* Iren. Haer. III. 17, 2: Our bodies have received unity among themselves by means of that laver which leads to incorruption; but our souls by means of the Spirit. Wherefore both are necessary since both contribute towards the life of God. Cyprian De Vestit. Virg. c. 23: All who attain to the divine gift of inheritance by the sanctification of baptism therein put off the old man by the grace of the saving laver and renewed by the Holy Ghost are purged by a second nativity. *Id.* Ep. 69, 3.

(9). Innocent III. in Decret. Lib. III. Tit. XLII. c. 5: "In baptism two things are always necessarily required, viz. the word and the element." Word here includes both the form, *i.e.* the bare formula and the intention, *i. e.* using the formula for the purpose of baptizing. Lynd. 63, following Eugenii decretum ad Armenos at the Council of Florence, A.D. 1439, says, that there are three essentials to baptism (1) water, (2) the intention to baptize, and (3) using the form of the Church. Lynd. 42 and 242. Ayliffe 103, says matter, form and intention are necessary. The Novatians of old and some modern writers contend that order in the minister is also essential.

(10). Acts viii. 36; x. 47; *Διδαχὴ* vii. 1, 2: Baptize in living water; but if thou hast not living water in other water; if thou canst not in cold, then in warm. Tertullian de bapt. c. 4: It makes no difference whether a man be washed in the sea or a pool, a stream, or a fount, a lake or a trough. Augustin, ap. Gratian, III. Dist. IV. c. 1: Man is born anew of water (ex aqua) as a visible sign (sacramento) and of the Spirit as the invisible thing signified (intellectu).

(11). Egbert's Excerpt. 42, A.D. 740: Wine ought not to be mixed with the water. Lynd. 42.

Son and the Holy Ghost as the form (12). There must also be the intention to give the baptism of the Church; but any prayer that the water may be effectual for the remission of sins, or serious declaration (13) that it is used for that purpose, is sufficient intention (14), since the water derives its efficacy from Christ's institution and not from the minister (15). Baptism is invalid if administered in the name of Christ only (16), or if the

(12). Math. xxviii. 19; Διδαχή vii. 1; Justin I. Apol. c. 61; Tertullian De Bapt. c. 13; Contra Praxeam c. 25; Apost. Const. III. 6; Augustin ap. Gratian III. Dist. IV. c. 29: To baptize in the name of the Trinity is the form of the sacrament. Const. I Langton A.D. 1223; Const. 11 Edmund, A.D. 1236; Const. 3 Peckham A.D. 1281: The form of the Sacrament in the vulgar tongue consists not only in the signs but in the series of the words in which it was instituted by God, inasmuch as Christ the Lord hath conferred a regenerative power on these words so ranged as they are in the Latin tongue. Let then the baptiser say thus: "I christen thee in the name of the Father, and of the Son, and of the Holy Ghost." The form in the Greek Church (Martene I. 16) is: "*N.* the servant of God is baptized in the name of the Father, the Son and the Holy Ghost." This form was retained to meet the error of the Novatians who made the efficacy of baptism depend on the faith of the minister. Devoti Inst. Lib. II. Tit. II. § 26. Stephen's Eccl. Stat. 2015.

(13). Alexander III in Decret. Lib. III. Tit. XLII. c. 1, says that if a priest omits the words I baptize thee, the baptism is invalid.

(14). Concil. Milev. A.D. 402, Can. 2. in Codex Eccles. Afric. 110: Whoever says that the form of baptism when given for the remission of sins is a false and not a true form, let him be anathema. Petilian had said, If a man has learnt the priest's spells, is he therefore a priest because he sacrilegiously repeats them? to which Augustin ap. Gratian, Caus. I. Qu. 1, c. 87, replies that the argument does not apply because a priest is not necessary for baptism.

(15). See note 110 below, and *The Sacraments*, notes 37 and 57.

(16). Apost. Can. 58, ap. Gratian III. Dist. IV, c. 79: If any bishop or priest does not perform the threefold immersion of the one mystery, but immerses once in baptism into the death of Christ, let him be deprived. Cyprian, Ep. 72, 18, ad Jubian.; Apost. Const. VII. 22; Pelagius, A.D. 580, ap. Gratian, l. c. c. 30; Zacharias, A.D. 748, *Ibid.* c. 83, and in Haddan & Stubbs III, 51; Concil. Nic. A.D. 325, Can. 19, orders the Paulianists to be rebaptized, and Concil. Constant. A.D. 382, Can. 7, orders the same for the Eunomians, because they were baptized with only one immersion. Nicolas, A.D. 865, ap. Gratian. III. Dist. IV, c. 24, however declares baptism into the death of Christ to suffice, for which he quotes Ambros. De Spir. Sanct. I. 3, but the latter seems to rely on a mistranslation of Acts viii, 12. For

form is otherwise altered with the intention of not giving the baptism of the Church ([17]). Unless baptism is given in a running stream, the water should if possible, be first hallowed ([18]) with chrism, for which purpose only the new chrism may be used ([19]); but if hallowed water is not obtainable any water suffices. If baptism with water cannot be had two equivalents may take its place: (1) martyrdom which is called the baptism

the question in Acts xix, 2-5: Into what then were ye baptized? would be wholly unnecessary when addressed to baptized persons unless they had been baptized into the Spirit as well as into the name of Christ. The language of Nicolas is shared by Baeda, Hugo of St. Victor and Caietan.

(17). Iren. Haer. I. 21, 3, relates that Gnostics baptized "Into the name of the unknown Father, into truth the Mother of all things, into him who descended on Jesus, into union, redemption and communion." Zacharias, A.D. 744, ap. Gratian III. Dist. IV, c. 86, writes to Boniface: Your messengers state that in the same province (Germany) was a priest who was so ignorant of the Latin tongue that when he baptized he said: "I baptize thee in the name of Fatherhood (patria for patris), Sonship (filia for filii) and Holy Spiritess (spiritu sancta for spiritus sancti). Whereupon you thought that those so baptized ought to be rebaptized. Yet if he who baptized them said as aforesaid, not by way of introducing any error or heresy, but in simple ignorance of the Latin tongue, we cannot consent to the iteration of baptism." Theodori Poenit. I. V. 6, A.D. 673, in H. & S. III, 181: "If any one is baptized by a heretic who has a wrong belief in the Trinity, let him be baptized again. We cannot believe that Theodore said this, by way of going against the Council of Nicaea and the decrees of the Synod as laid down in respect of converted Arians who have a wrong belief in the Trinity" [but only of such as use (1) a wrong form with (2) a heretical intention]. Liguori, Lib. VI. No. 108, holds that if baptism is administered in the name of the Trinity without specifying the three Persons, the form is so altered that it may be invalid.

(18). Tertullian de Bapt. c. 4: All waters after invocation of God, attain to the sacramental power of sanctification. Basil ap. Gratian, Dist. XI. c. 5: We bless the font of baptism with the oil of unction. Gratian III. Dist. IV. c. 126: If any one wishes to take holy water to sprinkle in his house, let him do so before the infusion of the chrism. Can. 37, Elfric, A.D. 957: Let no oil be put in the font unless a child be baptized there. Rabanus ap. Gratian III. Dist. IV. c. 70: After this [*i.e.* the anointing with oil] the font is consecrated. Leofric Missal, 237, gives the form.

(19). Gratian III. Dist. IV. c. 122, Const. 6, Peckham, A.D. 1279: If any one attempt to baptize or to anoint the baptized with any other chrism but the new...he condemns himself. Lynd. 37.

of blood ([20]), and (2) an ardent longing for it coupled with perfect charity ([21]), which is called the baptism of desire ([22]).

3. Water may be applied in one of three ways: (1) by immersion or dipping, (2) by affusion or pouring, and (3) by aspersion or sprinkling. The proper mode of baptizing is by immersion. Single immersion suffices, and was the old Spanish and British use ([23]); but to immerse thrice is preferable ([24]) because it signifies belief in the Trinity and the three days burial of Christ ([25]). In default of sufficient water, affusion is also permitted ([26]); and since single presbyters have been authorised to baptize publicly in non-collegiate churches without the assistance of a deacon or deaconess, the usual Western practice has been to baptise by

(20). Matt. x. 39; Tertullian de Bapt. c. 20: We have indeed a second font, to wit of blood...This is the baptism which both stands in place of the fontal bathing when that has not been received and restores it when lost. Cyprian de Orat. Dom. c. 24. Euseb. VI. 4, relates that Origen, A.D. 220, called this baptism by fire. Augustin ap. Gratian III. Dist. iv. c. 34; Cap. 36, Theodulf, A.D. 994: Sins are forgiven by baptism, they are covered by satisfaction, they are not imputed through martyrdom.

(21). Iren. Haer. IV, 12, 2: Love is the fulfilling of the law [Rom. xiii. 10]. He who loves God is perfect both in this world and in that which is to come. Augustin contra Donat. c. 21; Ambros. Oratio de obitu Valentiniani; He whom I was about to regenerate I have lost, but he has not lost the grace he hoped for...If martyrs are cleansed by their own blood, he is cleansed by his own piety and intention (voluntas). Innocent III. in Decret. Lib. III, Tit. XLII. c. 3; and Tit. XLIII. c. 2.

(22). Baptismus flaminis by Augustin ap. Gratian l. c. c. 34, Lynd. 278; Devoti Inst. Lib. II. Tit. II. § 22. The Council of Trent, sess. VI, c. 4, calls it votum.

(23). Concil. Tolet. IV. Can. 5, A.D. 633, ap. Gratian III. Dist. IV. c. 85: "To avoid the charge of heretical doctrine [because the Arians deny that the three Persons of the Trinity are one], let us hold one immersion in baptism." For the old British practice see Haddan & Stubbs, I. 153.

(24). Augustin ap. Gratian III. Dist. IV. c. 78; Hieronym. *Ibid.* c. 81; Gregory, *Ibid.* c. 80; Concil. Chelsea, A.D. 816, Can. 11: Let priests be taught when they minister baptism not to pour water on the heads of infants, but that they be immersed in the water as the Son of God hath in His own person given an example to all the faithful, when He was thrice immersed in Jordan. Tertullian adv. Praxeam, c. 26; Lynd. 242; Ayliffe, 103.

(25). Apost. Const. III. 17: The water is instead of the burial. Lynd. 242.

(26). Διδαχὴ VII, 3, If thou hast not living water [in which to immerse] pour water thrice upon the head.

affusion. Inasmuch as St. Peter is believed to have baptized by aspersion when 5000 were converted in one day ([27]), so baptism by aspersion is also allowed ([28]). The Eastern Church uses immersion only. Custom determines the practice ([29]). A name should be given at the time of baptism ([30]), the choice of which does not rest with the baptizer but with the person to be baptized or his sponsor ([31]). The baptizer may, however, refuse to give an improper name, or the name may be changed at the time of confirmation ([32]).

4. For the other part of baptism, the renewal of the Spirit oil with the imposition of the bishop's hands is ordinarily necessary ([33]). These are therefore sometimes called the second and third integral parts of baptism. Since the fourth century, and probably from a much earlier date, oil has been used in two

(27). Acts II and III.

(28). Cyprian. Ep. 75, 12, ap. Gratian III. Dist. IV. c. 127 : The sprinkling also with water prevails equally with the washing of salvation. Lynd. 247, says that when necessity requires baptism to be generally administered, it suffices that a drop of water touch any part of those to be baptized ; where there is no such necessity water must at least be poured on the head.

(29). Lynd. 242, Devoti. § 24.

(30). Const. I, Langton, A.D. 1223 ; Const. 3, Peckham, A.D. 1281.

(31). Stat. Ecc. Ant. A.D. 505, Can. 85, ap. Gratian III. Dist. IV, c. 60 : Let those to be baptized give in their names.

(32). Const. 3 Peckham, A.D. 1281 : Let priests take care that names which may carry a lascivious sound be not given to children at their baptism, especially to those of the female sex. If they be, let them be altered by the bishop at confirmation. Lynd. 246.

(33). In Acts viii. 17, and xix. 6, where the Apostles are said to have laid their hands on or sealed those who had received the baptism of water, the converts were in all probability first anointed with oil. Thus Christ says of himself (John vi. 28), Him hath the Father sealed (ἐσφράγισεν), but St. Peter (Acts x. 28) says, Him God anointed with the Holy Ghost. In 2 Cor. i. 21, 22, St. Paul says that He who confirms us (βεβαιῶν) and anointed (χρίσας) us is God, who also sealed us (σφραγισάμενος). In 1 John ii. 20, 27, it is said ; καί ὑμεῖς χρίσμα ἔχετε, and Eph. i. 13 and iv. 30 : ἐσφραγισθῆτε τῷ πνεύματι. Theophilus A.D. 170 ad Autolycum I. 12: We are called Christians on this account because we are anointed with the oil of God. Tertullian de Bapt. c. 6, 7, 8 mentions (1) the washing with water ; (2) the anointing with oil ; and (3) the laying on of the hand with prayer or sealing. Isidor. De offic. 51: As in the washing remission of sins is given, so by unction the sanctification of the Spirit is applied.

forms [34]: (1) as exorcised or the catechumen's oil to bestow the strength of the Spirit on the completion of the catechumenate by way of immediate preliminary to the saving laver [35];

(34). Duchêsne Origines, p. 322, supposes that the use of oil as the completion of the catechumenate may have been a reduplication of oil as the completion of baptism. The two seem often confounded before the 10th century (Duchêsne, p. 453), but ordinarily perfumed oil, ointment, or μύρον, was used since the 4th century for the anointing after baptism, and the exorcised oil for the anointing of catechumens. Iren. Haer. I. 21, 5, relates that some heretics baptize by mixing oil and water together for baptizing, and afterwards anoint with balsam-ointment. Apost. Const. VII. 22 : Thou shalt (1) beforehand anoint the person with the holy oil, and afterwards (2) baptize him with the water, and (3) in the conclusion shalt seal him with the ointment; that the anointing with oil may be the participation of the Holy Spirit, and the water the sign of the dying, and the ointment the seal of the covenant. Innocent III. in Decret. Lib. III. Tit. XLII. c. 3, and Lib. I. Tit. XV. § 6 : In the New Testament not only kings and priests are anointed but also all Christians, twice before baptism, to wit, with hallowed oil first on the breast, then between the shoulders, and twice after baptism, to wit, with holy chrism first on the crown, then on the brow. He who is to be baptized is anointed on the breast that by the Holy Spirit's gift he may lay aside error and ignorance and receive the right faith; and between the shoulders that by the grace of the Holy Spirit he may shake off negligence and torpor and exercise good works . . . . that by the sacramental effect of faith there may be purity of thought in his breast, and by the exercise of works there may be vigour in exertion. . . . He who has been baptized is, however, anointed on the crown that he may be ready to give a reason of the faith that is in him. . . . He is also anointed on the brow that he may with a bold front confess what he believes. . . . Before baptism he is anointed with the holy oil, but after baptism with the holy chrism, because the chrism only pertains to a Christian. Lynd. 40.

(35). Augustin Ep. CXCIV. : The Spirit helps men in one way before taking up his habitation within them, in another way after taking up his habitation within. Before taking up his habitation within He helps men to become men of faith; after taking up his habitation he helps them as men of faith. Apost. Const. VIII. 41, states that, after making his confession of faith, the candidate comes to the anointing with oil. VII. 42 : Now this is blessed by the high priest for the remission of sins and the first preparation for baptism. III. 16 : Thou therefore, O bishop, shall anoint the head of those that are to be baptized with the holy oil for a type of the spiritual baptism. Ambros. ap. Gratian III. Dist. IV. c. 87: You are anointed as an athlete that you may come a catechumen to baptism.

and (2) as ointment or chrism to communicate the indwelling Spirit after the washing of regeneration ([36]). The exorcised oil was, at one time, applied to the whole person; but, by custom, it was applied to the breast and back only ([37]) by a presbyter or deacon in the case of men, and by a deaconess in the case of women ([38]), and afterwards by the bishop to the head. At a later time the bishop's anointing was deferred till the time of sealing ([39]) and was then given by a simple touch of the hand. The chrism is applied to the head or breast by a presbyter and afterwards by the bishop to the brow ([40]) in the form of the

(36). Eph. IV. 30: ἐν ᾧ καὶ ἐσφραγίσθητε ; I. 13 ; Iren. v. 8, 1: We do now receive a certain portion of the Spirit tending towards perfection. v. 9, 2; v. 18, 2 : The Spirit is in us all, and he is the living water. Apost. Const. III. 17 : The ointment is the confirmation of the confession ; VII. 22 : the ointment is the seal of the covenant ; VII. 43 ; Cyprian Ep. 69, 2 : It is also necessary that he should be anointed who is baptized, so that, having received the chrism, *i.e.*, the anointing, he may be anointed of God. Hippolytus in Dan. 20, explains seal as the unseen communication of divine things, "Christ is the seal, the Church is the key." Concil. Araus. A.D. 441. Can. I. ap. Gratian III. Dist. IV. c. 125 : Let no one who undertakes the task of baptizing ever go forth without chrism, because our rule is to be once anointed with chrism at baptism. Rabanus, *Ibid.* c. 88 : After coming out of the water he is immediately signed on the crown (in cerebro) by the priest with holy chrism that he may be a partaker of the kingdom of Christ, and be called a Christian after Christ. Leofric Missal. 238. Lynd. 39.

(37). Basil ap. Gratian I. Dist. XI. c. 5: Thrice we anoint with oil those whom we baptize. Rabanus, *Ibid.* c. 70 : Then his breast is anointed with sanctified oil with an invocation of the Holy Trinity that no remains of the latent enemy may remain in him. . . . He is anointed between the shoulders with the same oil that he may be fortified on every side and strengthened to do good works. See note 35.

(38). Apost. Const. III. 116: The deaconess shall anoint women, for there is no necessity that the women should be seen by the men, but only in the laying on of hands the bishop shall anoint her head.

(39). Apost. Const. II. 32 : By the bishop ye were sealed with the oil of gladness and with the ointment of understanding.

(40). Gregory ap. Gratian, III. Dist. IV. c. 120: Let presbyters anoint the baptized on the breast so that bishops may afterwards anoint them on the brow. Innocent, A.D. 404, *Ibid.* c. 119 : Priests may anoint the baptized with chrism which has been consecrated by the bishop but not on the

cross ([41]). If neither oil nor chrism can be had water suffices to give both the strength of the Spirit and also the seal of the covenant, as well as to give the cleansing effect of dying with Christ ([42]).

5. To make the ointment efficacious to convey the Spirit the essential requisite is the solemn prayer of the fasting Church, the effect of which is imparted by the imposition of the bishop's hands. This effect may be communicated in one of three ways: (1) directly by the bishop laying his hand upon the head of each anointed neophyte after the solemn prayer has been made on behalf of all, or in the case of infants by kissing each ([43]), whereby the anointing already received is consecrated and becomes a channel for conveying to them the indwelling Spirit ([44]); (2) indirectly, by the application of chrism which has been previously blessed by prayer and fasting so that the chrism itself conveys the effect of the prayers of the Church ([45]); or (3) remotely by putting chrism into the water before it is used for baptizing. The indirect methods have been almost universal since the 4th century ([46]). Usually the appli-

brow, because that is reserved for bishops when they bestow the Holy Ghost. Rabanus, *Ibid.* c. 88; Pseudo-Isidor. *Ibid.* III. Dist. v. c. 2: The baptized person is signed by the priest with chrism on the top of the head, but by the bishop on the brow. Const. 6 Peckham, A.D. 1279. Lynd. 39.

(41). Cyprian Ep. 55, 9: That our brow may be fortified so as to keep safe the sign of God. Rabanus ap. Gratian III. Dist. IV. c. 23. Duchêsne, p. 319.

(42). Apost. Const. VII, 22: If there be neither oil nor ointment, water suffices both for the anointing and for the seal and for the confession of dying [with Christ], *Ibid.* 41, 43.

(43). Cyprian Ep. 58, 4: An infant, although fresh from its birth, is not such that anyone need shudder at kissing it in giving it grace.

(44). Tertullian de Bapt. c. 8: Then the hand is laid on us inviting and invoking the Spirit through the benediction.

(45). Theodori Poenit. II. iv. 6, in Haddan & Stubbs, III. 193: In synodo Nicaena crisma fuit constitutum. Hippolyt. Haer. VI. 36; *Id.* in Susannah 18: The oil is the power of the Holy Spirit with which the faithful are anointed as with ointment after the laver of washing. Lynd. 36.

(46). Lynd. 39, speaks of both methods.

cation of the chrism is preceded, (1) by vesting the newly baptized in a white garment ([47]) or mystic veil ([48]) (instead of which in ordinary public baptisms a chrism-cloth, chrisom, or coif was used) to symbolize the royalty and priesthood imparted by the anointing; and (2) by placing a taper previously lighted and plunged in the water at its consecration in his hand to indicate the dispelling in him of the power of darkness by the true light ([49]). It was formerly followed at least in the solemn bap-

(47). Ambros. ap. Gratian VII. Dist. IV. c. 92: After baptism you received a white garment, to indicate that you had put off the covering of sin and had put on the chaste clothing of innocence. Rabanus, *Ibid.* c. 91: After baptism the Christian is clothed in a white garment, indicating Christian innocence and purity, which, after the old stains have been washed away, he ought to preserve unspotted to present before the tribunal of Christ. All who are new born are clothed in white garments to symbolise the resurrection Church . . . The baptized, therefore, use white garments (albis), that those whose first nativity's face the cloth (pannus) of ancient error has obscured, the garb of a second glorious generation when put on may again exalt." These garments were worn for eight days whence the Sunday after Easter was called White-garment Sunday (Dominica in albis). Devoti Inst. Lib. II. Tit. II. § 35. Baeda II. 19, A.D. 731, relates that Edwin's children were baptized, A.D. 627, and were "snatched out of this life whilst they were still in their white garments." *Id.* v. 7, also says that Caedwalla died at Rome in 689, A.D. "being still in his white garments."

(48). Theodori Poenit. II. III. 2, A.D. 673, in Haddan & Stubbs III. 192: In baptism the priest is wont to remove the veil of infants (velamen infantium) on the seventh day. Rabanus ap. Gratian III. Dist. IV. c. 91: After the holy unction the head is covered with a mystic veil (velamine mystico) that he may understand that he possesses the diadem of royalty and the priestly dignity. Theodori Poenit. II. iv. 7 l.c. III. 193 and Gratian III. Dist. IV. c. 121: "To use a chrism-cloth (pannus chrismatis) again for another baptized person is not unreasonable." That the mystic veil or chrism-cloth was regarded in this country as holding the place of the earlier white garment is clear from Leofric Missal. 238, which directs the chrisom (chrismale) to be placed on the head of the baptized with the words, "Receive the white garment." These chrism-cloths (panni chrismales) were ordered by Const. 12 and 13 Edmund A.D. 1236, to be used afterwards either to make ornaments for the Church or else to be burnt. Lynd. 33.

(49). Light is regarded as the symbol of victory over the powers of evil. Therefore Concil. Elib. A.D. 305, Can. 37, forbids energumens publicly to light a light. Lynd. 244. Baptism is constantly called φώτισμα

tism of Easter by giving him milk and honey to partake of (50). In Gaul and Milan the bishop also washed the feet of the newly baptized to teach them by example the practice of humility (51), and then dismissed them with the peace.

6. The proper introduction to baptism is the catechumenate, or period of probation and instruction. This in the 4th century was treated as a kind of lesser baptism and had its own form of initiation (52)—signing with the sign of the cross (53)—its own means of grace—repeated exorcism (54) by an exorcist—its own ceremony of completion—anointing with the catechumen's oil—and in the Roman Church its own sacrament for bestowing

illuminatio or enlightenment by Concil. Laod. A.D. 363, Can. 47, having regard to Heb. VI. 4 and X. 32. Apost. Const. VIII. 8, II. 32; Gregory Nazianzen Orat. de Bapt. c. 11. The taper was plunged into the font at the words, "Descendat in hanc plenitudinem fontis virtus Spiritus tui." Leofric Missal. p. 236: Hic pones cereum in fontem. Duchêsne, p. 300; Lynd. 243.

(50). 1 Pet. II. 2. Tertullian de Cor. 3: When we are lifted [out of the water] we taste first of all a mixture of milk and honey, and from that day we refrain from the daily bath for a whole week. Contra Marcion. I. 14: Hieronym. adv. Luciferian. Leofric Missal, p. 224, contains a benedictio fontis, lactis et mellis, in which the priest prays that God will give His servants to drink of this fountain and nourish them with this milk and honey. Syn. Trull. A.D. 692, Can. 57, ap. Labbe. VII. 1374, forbids the offering of milk and honey, but not the use of them for the baptized. Lyndwood does not mention their use in 1429.

(51). Missale Gothicum ap. Duchêsne, 314; Cæsarii Serm. 160; Maximus Turon. de Bapt. Tract. 3. Iren. IV. 22: The Lord Himself did by Himself wash away the filth of the daughters of Zion when He washed the disciples' feet. . . . He who washed the disciples' feet sanctified the entire body.

(52). Concil. Const. A.D. 382, Can. 7: The first day we make them Christians, the second catechumens, the third day we exorcise them. . . . and afterwards we baptize them. Leofric's Missal calls it, Ordo ad faciendum Christianum. Duchêsne 281.

(53). Leofric Missal, 237, directs the signing of the brow and breast. Duchêsne 289, 306.

(54). Origen contra Celsum VIII. 34: Learned Greeks teach that the soul at its birth is placed under the charge of demons. *Id.* VII. 67: By the use of prayers and other means which we learn from Scripture we drive them out of the souls of men. Justin Apol. 1. c. 6: Numberless demoniacs . . . . our Christian men exorcising them in the name of Jesus

the wisdom by which Christians become the salt of the earth ([55]) —exorcised salt ([56]). There were, however, two stages in the catechumenate ([57]): (1) that of probationer catechumens who, after being signed with the cross, often continued such for years ([58]); and (2) that of approved catechumens called *competentes* or the elect. Both classes were allowed to be present at the earlier part of the Eucharistic service, but were dismissed together with the hearers after the public readings were ended, or according to the Roman use before the reading of the Gospels began ([59]); but whereas hearers were dismissed silently, catechumens were dismissed solemnly with benediction and the imposition of hands ([60]).

. . . . do heal. Cyril Praefat. ad. Catech.: Without exorcisms the souls cannot be cleansed; for they are divine and gathered from the Holy Scriptures. Gregory Nazianzen De Bapt. c. 11.

(55). Duchêsne 285. Concil. Carthag. III. A.D. 397, Can. 5: In the most solemn Paschal days let not the sacrament be given to catechumens but only the accustomed salt. Isidor de Orig. Offic. XXI. 3. The practice appeals to Mark IX. 49: Every [evil-doer] shall be salted with [penal] fire, but every sacrifice [*i.e.*, every true disciple, Rom. xii. 1] shall be salted with salt. Leofric Missal. 237: Receive the salt of wisdom purified thereby (propitiatus) to eternal life. Edgar's Law 43, A.D. 960. Cap. I. Theodulf, A.D. 994: To us it is said, "Ye are the salt of the earth."

(56). Matth. V. 13; Baeda ap. Gratian III. Dist. IV. c. 65: The salt of heavenly wisdom with which catechumens are initiated we are bidden to offer in all the sacrifices of our works. Rabanus, *Ibid.* c. 65: Then hallowed salt is placed in the mouth of the candidate for baptism to typify that being purified by the salt of wisdom he may be free from the stain of iniquity. Conc. Westminster, A.D. 1200, Can. 3: Let foundlings be baptized whether laid with salt or without. Const. I Langton A.D. 1223.

(57). Apost. Const. VIII, 35, enumerates catechumens, energumens, and the illuminated, calling the last-named, c. 37, candidates for baptism. The two classes were sometimes called ατελέστεροι or probationers, and τελέστεροι or qualified catechumens. Devoti Lib. II. Tit. II. § 29.

(58). Concil. Elib. A.D. 305, Can. 42, requires 2 years. Concil. Nic. A.D. 325 Can. 2: A man should stay a catechumen some time.

(59). Concil. Araus. A.D. 441, Can. 18: That the Gospels be read to catechumens in all the churches of our [Gallican] provinces. This was decreed because at Rome they were not read to catechumens. Duchêsne 289.

(60). Apost. Const. VIII. 6: Hearers were first dismissed in silence, then probationer catechumens, next energumens, after them the illuminated, last of all penitents, each class with solemn prayers.

7. Approved catechumens are those admitted to preparation for baptism. This preparation includes four things: (1) the instruction technically called catechism (61); (2) solemn exorcism by a presbyter as well as by an exorcist; (3) prayer and fasting (62); and (4) learning and confessing the faith. The duration of the period of preparation varied according to the custom of each Church, and appears to be the origin of the season now called Lent. In some places it lasted over twelve or ten weeks (63), but usually in the West it was confined to forty days (64), during the first twenty of which candidates devoted themselves to prayer and fasting (65), and during the last twenty received in addition exorcism (66), and were taught the Creed and the Lord's Prayer.

(61). Διδαχή VII. 1: Having beforehand taught all these things, baptize. Proper instruction before baptism is required by Apost. Const. VII. 39. Cyril's Cat. Myst. A.D. 350, is a resumé of this instruction. Baeda II. 14 relates that in 627, A.D. Edwin built a church with his own hands whilst he was receiving catechism and instruction.

(62). Διδαχή VII. 4: Before baptism, let him that baptiseth and him that is baptised fast and any others who can. Justin, 1 Apol. c. 61: They pray and entreat God with fasting for the remission of their sins, we praying and fasting with them. Then they are brought to the water.

(63). Apost. Const. III. 67, says three months. The Eastern Church now observes ten weeks.

(64). Syn. Patricii, Can. 29 in Haddan & Stubbs, II. 330: If any one wishes to receive the grace of God, let him not be baptized before he has gone through the forty days. Hieronym. Epist. ad Pamach. Cyril Catches. I. c. 5. Concil. Agath. A.D. 506, Can. 34, ap. Gratian, III. Dist. IV. c. 93, required Jews to be catechumens for eight months, but Gregory, *Ibid.* c. 98, requires only forty days, which was the period required by Concil. Laodic., A.D. 363, and by the Spanish Church. Duchêsne, p. 319.

(65). Tertullian de Bapt. 20: They who are about to enter baptism ought to pray with repeated prayers, fasts, and bendings of the knee, and vigils, and with the confessions of all bygone sins, that they may express what is even said of the baptism of John: They were baptized confessing their sins (Matth. III. 6.) Apost. Const. VII. 22: He who is to be initiated into His death ought first to fast and then to be baptized. III. 67: Let him attend to frequent fastings and approve himself in all things, that at the end of those three months he may be baptized on the day of the festival. VII. 36: This is not the baptismal fast. Augustin. ap. Gratian III. Dist. IV. c. 97: Let men before baptism do penance for their past sins: Concil. Paris, VI. A.D. 829, *Ibid.* III. Dist. V. c. 7.

(66). Stat. Eccl. Ant. A.D. 505, Can. 90, directs exorcists to lay hands on

Those receiving exorcism were called energumens (67); those who had been taught the Creed and the Lord's Prayer, the illuminated (68).

8. At Rome the Creed and the Lord's Prayer were "delivered" at the third of the seven scrutinies or public instructions (69), which took place on the Wednesday after mid-Lent, and the energumens were required to rehearse them at the last scrutiny on Easter Eve. In the Gallican Church the delivery took place on the Sunday before Easter, and the rehearsal followed on Maunday Thursday (70). Everywhere baptism was forbidden until the period of preparation had been gone through (71). In Portugal no one might be baptized within

energumens every day. Can. 91 directs energumens to sweep God's house. Can. 92 directs food to be brought to them every day by the exorcists whilst they stay in God's house. Concil. Brac. II. A.D. 572, Can. 9, orders the exorcising of catechumens to commence mediante quadragesima. Concil. Autissiodor. A.D. 578, Can. 2, says a media quadragesima. *Id.* Can. I. ap. Gratian III. Dist. IV. c. 55 and Caus. X. Qu. I. c. 12: Let the catechumens meet twenty days before baptism to be exorcised, during which let them be taught the spiritual meaning of the Creed. Lynd. 244.

(67). They are called energumens or persons under the power of the Prince of this world (John, XII. 31; XIV. 30; XVI, 11) in Apost. Const. VIII. 6, 7; Basil ap. Gratian I. Dist. XL. c. 5. Cyprian Ep. 75, 15: The devil is scourged and burned and tortured by exorcists, and although he often says that he is going out, yet in that which he says he deceives. When, however, they come to the water of salvation, we ought to know that the devil is beaten down. Coelestin. A.D. 431, ap. Gratian III. Dist. IV. c. 53: Let neither children nor youths come to the sacrament of regeneration before the unclean spirit is cast out by the exorcisms and exsufflations of the clergy. Concil. Brac. II. Can. I. A.D. 572 *Ibid.* c. 55; Rabanus, *Ibid.* c. 61; Baeda, *Ibid.* c. 65, 62; Cnut's Law, 4, A.D. 1017: Great is the exorcism by which the priest expels the devil as oft as he baptizeth a man.

(68). Heb. VI. 4; Apost. Const. VIII. 8: Ye that are preparing for illumination. Duchêsne, 316.

(69) Duchêsne, p. 287. The teaching of the Creed was called traditio symboli. Its rehearsal by the catechumen, redditio symboli.

(70). Concil. Laodic. A.D. 363, Can. 46; Concil. Brac. II. A.D. 572, Can. 49; and Syn. Trull. A.D. 692, Can. 78. The Peregrinatio Silviae ap. Duchêsne; Ambros. Epist. 28; August. Serm. 58; Concil. Agath. A.D. 506, Can. 13, direct the Creed to be taught eight days before Easter.

(71). Concil. Laodic. A.D. 363, Can. 45, forbids catechumens to be baptized after only two weeks of Lent have elapsed.

two or three weeks of Easter (72); in this country no one within eight days (73); and in Spain the baptistry was sealed up from the beginning of Lent to Maunday Thursday (74).

9. The completion of the catechumenate is given by anointing with the exorcised oil. In Gaul and Spain, where only the higher class of catechumens existed, anointing the mouth and ears with oil formed part of admission to the catechumenate itself, and this admission was called in consequence the laying on of hands (75). In Rome, and also at Milan, the anointing was one of the last acts before baptism, and was not allowed before the third scrutiny (76). It was immediately preceded by touching the nose and ears with saliva, called the Ephatha, to signify that Christians must ever be on the alert to do God's will (77). After it came the formal profession, consisting of (1) the ἀπόταξις, in which the candidate thrice dissociated himself from the devil, his pomps, and his works; (2) the σύντάξις, in which he associated himself with Christ and His people, and

(72). Concil. Martini, A.D. 572, Can. 49: No one may be admitted to baptism within two weeks of Easter, nor yet within three.

(73). Const. 10 Edmund, A.D. 1236.

(74). Concil. Tolet. XVII. A.D. 693, Can. 2: At the beginning of Lent let the doors of the baptistry be closed at the end of lauds and be sealed with the bishop's seal, so that the doors be not opened again till Maunday Thursday.

(75). Concil. Elib. A.D. 305, Can. 45, 39: If Gentiles, taken ill, desire hands to be laid on them, if their life is in any way honest, let hands be laid on them and let them become Christians. Concil. Arelat. I. A.D. 314, Can. 6: Let those who wish to believe, when sick, receive the laying on of hands. Theodoret, IV. 18, calls this "the Lord's seal." Duchêsne, 305, 319, sees in this anointing the Roman Ephatha, which immediately preceded immersion. See The Sacraments, note 88.

(76). Syn. Rom. ad Gallos, A.D. 384, Can. 8, mentions the third scrutiny, and states that it is not necessary to repeat at it the Ephatha anointing. Duchêsne, 289.

(77). Rabanus ap. Gratian III. Dist. IV. c. 68: Afterwards, the nose and the ears are touched by the priest with saliva . . . . that his nostrils may be open to receive the scent of the knowledge of God, and that his ears may be quick to catch the commands of God. The prayers in Leofric Missal, 238, express the same. Duchêsne's suggestion, p. 292, that nares mean lips, is not borne out by other authorities.

(3) the declaration of assent to the Christian creed (78). When baptism is publicly administered to infants, Western usage requires all the ceremonies of the catechumenate to be previously gone through, including exorcism, signing with the sign of the cross, salt, the Ephatha, anointing with thecatechumen's oil, and the profession of faith (79).

10. As all men are born with original sin, so baptism is necessary to all for salvation (80). Hence children and idiots

(78). Tertullian de Cor. 3, and Cyprian Ep. 69, 2, mention the renunciation of the devil as part of the profession. According to Cyril, Cat. Myst. 6, the renunciation was made facing West; the profession of faith, facing East. Apost. Const. VII. 41: Let the candidate for baptism declare thus: [1] I renounce Satan and his works, and his pomps, and his worship, and his angels, and his inventions, all things that are under him. And after his renunciation, let him [2] in his consociation say: And I associate myself to Christ, and [3] believe and am baptized into One unbegotten Being, the only true God Almighty, the Father of Christ, the Creator and Maker of all things, from Whom are all things; And into the Lord Jesus Christ, His only begotten Son, the first-born of the whole creation ...... And I am baptized into the Holy Ghost, that is the Comforter Who wrought in all the saints from the beginning of the world, but was afterwards sent to the apostles by the Father, according to the promise of our Saviour and Lord Jesus Christ; and after the apostles to all that believe in the Holy Catholic Church; into the resurrection of the flesh, and into the remission of sins, and into the kingdom of heaven, and into the life of the world to come. Duchêsne, p. 293.

(79). Const. 4 Peckham, A.D. 1279; Const. 3 Peckham, A.D. 1281; Lynd. 244, enumerates the signs used in baptism, both before and after, as the following:

> Sal, oleum, chrisma, cereus, chrismale, saliva,
> Flatus, virtutem baptismatis, ista figurant.
> Haec cum patrinis non mutant esse sed ornant.

(80). Justin Dial. Trypho. c. 43; Iren. Haer. II. 22: Christ came to save all through means of Himself—all who through Him are born again to God—infants and children, and boys and youths and old men. Origen. Lib. V. in c. 6, in Rom. Cyprian. Ep. 58 ad Fidum: Our council [A.D. 253] judged that the mercy and grace of God is not to be refused to anyone born of man. Concil. Carthag. A.D. 418, Can. 2 ap. Gratian III. Dist. IV. c. 153: Whoever says that infants inherit nothing of original sin from Adam to require the washing of regeneration .... let him be anathema. ... Young children who have never committed actual sin are yet truly baptized for the remission of sins, that [the sin] which they have inherited by generation may be done away by regeneration. Augustin *Ibid.* c. 136 and

from their birth may be baptized ([81]), those who are only imperfectly born ([82]) and those whose humanity is doubtful ([83]). One person, however, cannot be baptized for another, nor can the dead be baptized; ([84]) and since intention is prerequisite in the case of every adult, even catechumens must ask for baptism ([85]). If through illness anyone is unable to ask, the request may be made by a friend conversant with his desire ([86]). In the case of children both the request and the profession of faith may be made by godparents or sponsors ([87]). Still with-

Caus. XXXII. Qu. IV. c. 2; Hieronym, *Ibid.* Caus. XXXIII Qu. III. Dist. II. c. 34; Concil. Araus. II. 529, Can. 1 and 2: If any one says that Adam's disobedience only injured himself and not his offspring, or that only the death of the body which is the punishment of sin, but not sin itself, which is the death of the soul, passed by one man to the whole human race, charges God with injustice and contradicts the apostle. Lynd. 245 says there are two kinds of generation, one carnal by fathers after the flesh, the other spiritual by baptism. *Id.* 242. Clem. Hom. XI. 27. Baeda. v. 7: He had learnt that in baptism alone the entrance to heaven is opened to mankind.

(81). Isidor. ap. Gratian III. Dist. IV. c. 74; Augustin, *Ibid.* c. 7, 8, 33, 76, 142; Boniface, *Ibid.* 130, 138; Innocent III. in Decret. Lib. III. Tit. XLII. c. 3, states that such receive baptismal grace quoad habitum, but not quoad usum.

(82). Augustin ap. Gratian III. Dist. IV. c. 114, states that the baptism of the mother does not effect the baptism of the child that is within her. Const. 14 Edmund A.D. 1236: If it be certain that the woman in childbirth is dead let her be cut open in case the child be thought to be alive [so that the child may be baptized]. Lynd. 246. Devoti Lib. II. Tit. II. § 28.

(83). Craisson, § 3297, suggests conditional baptism in some cases.

(84). In 1 Cor. XV. 29, which seems to imply the contrary, ὑπὲρ νεκρῶν appears to mean "for the purpose of dying with Christ."

(85). Stat. Eccl. Ant. A.D. 505, Can. 85; Concil. Tolet. IV. A.D. 633, Can. 57 ap. Gratian I. Dist. XLV. c. 5.

(86). Concil. Carthag. III. A.D. 397, Can. 34, ap. Gratian III. Dist. IV. c. 75: Should the sick not be able to answer for themselves, if their relatives at their own peril bear testimony to their desire [for baptism], let them be baptized. Augustin De Adult. Conjug. c. 26.

(87). Augustin ap. Gratian III. Dist. IV. c. 77: Since others make answer for infants in order that the celebration of the sacrament may be completed on them, it is effectual for their hallowing because they cannot answer for themselves. But if one makes answer for another who can answer for himself it has not the same effect. Whence it is said in the Gospel, and commends itself to all when it is read, "He is of age, he shall speak

out their parents' consent the children of Jews or heathen ought not to be baptized (88).

11. Although adults make answer for themselves yet godparents are also necessary for them (89). It is the duty of the godparents to see that those for whom they answer know the Creed and the Lord's Prayer, to bring them to confirmation and to hold them whilst being confirmed (90). Hence sponsors must be themselves confirmed Christians (91) and possess a knowledge of the Creed and Lord's Prayer (92). According to the Roman use each candidate has one sponsor only (93), either

for himself. Conf. *Ibid.* I. 76, 138. Concil. Clovesho, A.D. 747, Can. 11 : That they propose the Creed to infants and to them that undertake for them in baptism and teach them the renunciation of diabolical powers and auguries and divinations, and afterwards teach them to make the established professions. Concil. Chelsea A. D. 787, Can. 2 ; Lynd. 244 ; Devoti, § 34.

(88). Devoti § 28 ; Thomas Aquinas Pars. 2 Quest. 10, art. 12. Such baptism is held to be valid if given, according to Concil. Tolet. IV. Can. 5, A.D. 633, ap. Gratian I. Dist. XLV. c. 5. Craisson § 3299. Matt. XII. 45, speaks of the danger of casting out the devil without bringing in another occupant.

(89). Called by Augustin l. c. susceptores, by Tertullian sponsores, generally patrini.

(90). Concil. Chelsea, A.D. 787, Cau. 2: That all who undertake for children at the font know that they are sureties to the Lord according to their sponsion for the renouncing of Satan, his works and pomps, and for their believing of the Creed, that they may teach them the Lord's Prayer aforesaid and the Creed while they are coming to ripeness of age. Const. 4 Peckham A.D. 1279 requires children to receive catechism "between the time of their birth and their being perfectly baptized" [*i.e.*, confirmed]. Lynd. 243.

(91). Isidor. ap. Gratian III. Dist. IV. c. 74; Augustin *Ibid.* c. 77 ; Ayliffe 103. Theodori Pœnit. II. iv. 9, *Ibid.* p. 194 : No one is allowed to be sponsor to another who is not baptized and confirmed.

(92). Edgar's Law 22, A.D. 960 : He that refuseth to learn Paternoster and Credo cannot undertake for others at baptism. Cnut's Law 22, A.D. 1017 : Nor can he be surety for another at baptism much less at the bishop's hands till he have first learnt well to rehearse the Lord's Prayer. Cap. 22 Theodulf A.D. 994.

(93). Theodori Poenit. II. iv. 8, in Haddan & Stubbs, III. 193 : One may act as father [to all] in catechism, baptism, and confirmation, if this be necessary, but it is not usual, but separate godparents stand for each. Leo IV. A.D. 853, ap. Gratian III. Dist. IV. c. 101: Let no more than one person,

a man or a woman (94); according to English use several are allowed, but the number of three ought not to be exceeded (95). Sponsors are forbidden to stand by proxy (96). Sponsorship is held to establish a spiritual relationship, which at one time was deemed as close as blood relationship, and carried with it corresponding duties and disqualifications (97).

12. The proper minister to baptize is a bishop (98) or a presbyter (99), who thereby becomes the spiritual father of the baptized (100). Any bishop or presbyter can baptize privately, because one who is unbaptized is a subject of no spiritual authority, and no presbyter may refuse to baptize in an emer-

either man or, woman, receive an infant from the font. Urban II. *Ibid.* Caus. XXX. Qu. IV. c. 6 : Let not husband and wife be together godparents to a child. Boniface, VIII. in Sext. Lib. IV. Tit. III. c. 3. Lynd. 242.

(94). Augustin ap. Gratian III. Dist. IV. c. 105 ; Theodori Poenit. II. iv. 10 A.D. 673 in Haddan & Stubbs III. 194 : A woman may act as sponsor for a man in baptism, and similarly a man for a woman. Lynd. 242.

(95). Concil. Ebor. A.D. 1195 Can. 5 says not more than three ; Const. I. Langton A.D. 1223 : Let three at most be allowed to lift a child out of the font. Lynd. 242 states that the use of more than one is only lawful by custom.

(96). Lynd. 243. Craisson § 3321.

(97). Rabanus A.D. 853 ap. Gratian Cau. XXX. Qu. I. c. 5. See Matrimony, § 26.

(98). Tertullian de Bapt. c. 17 says a bishop, and that a priest and a deacon may only baptize with the bishop's authority, propter ecclesiae honorem. Apost. Const. III. 11 ; Innocent I. Epist. ad Decentium ; Augustin Serm. 333.

(99). Isidor. ap. Gratian III. Dist. IV. c. 19 : It is clear that baptism must only be administered by presbyters, nor is it lawful for deacons to complete its mystery without a bishop or a presbyter, unless the extreme necessity of illness should compel him so to do in their absence. The same is also for the most part permitted to faithful laymen that no one may be called out of this world without the remedy of salvation. Concil. Clovesho A.D. 747 Can. 9.

(100). Iren. IV. 41, 2 : When any person is taught by another he is termed the son of him who instructs him, and the latter his father. Apost. Const. II. 20 : Let the bishop love the laity as his children. *Ibid.* II. 32 : By the bishop God adopts thee for His child. . . . Love him who after God is become a father to thee and honour him. *Ibid.* II. 33 : How much more should you honour your spiritual parents, and love them as your benefactors and ambassadors unto God, who have regenerated you by

gency ([101]) or for any sordid motive ([102]). Solemn baptism can, however, only be given by the bishop, and public baptism only by the incumbent of a parish, or by a presbyter or deacon in their presence respectively ([103]) with water which they have blessed. A deacon may not baptize alone except when he is placed in charge of a people ([104]) or no presbyter can be had ([105]), nor a

water? An uncertain author, ap. Gratian Caus. XXX. Qu. l.c. 82: Those whom we receive in penance are as much our spiritual children as those whom the wave of sacred baptism regenerates when we either lift them from the font or plunge them with the formula of the three-fold immersion. Const. 9 Peckham A.D. 1281 : Father signifies the prelate of the Church whether mediate or immediate.

(101). Theodori Poenit. I. ix. 7 in Haddan & Stubbs III. 185 and Gratian III. Dist. IV. c. 22: Whatever presbyter, either in his own or in a strange district (provincia), shall refuse to baptize a sick person commended to him for baptism, or for preparation for the [last] journey, so that he die unbaptized, let him be deposed. *Id.* I. xiv. 28, *Ibid.* p. 189: If a sick infant or a pagan commended to a presbyter die [without baptism] let him be deposed. Concil. Chelsea A.D. 816 Can. 11 ; Lynd. 278. Baedae Poenit. III. 42 A.D. 731 in Haddan & Stubbs III. 329. Cap. 16 Theodulf A.D. 994: If any one bring a sick child to a mass-priest let him baptize it out of hand to what mass-priest's district soever it belongs. Concil. Ebor. A.D. 1195 Can. 6.

(102). Const. 27 Langton A.D. 1222: We firmly forbid burial, baptism . . . . to be denied to any on account of money.

(103). Ignat. ad. Smyrn. c. 8 : It is not lawful without the bishop either to baptize or to celebrate the agape. The bishop's part in solemn baptism consists (1) in anointing or touching the head before immersion after the deacon has anointed the breast and back, (2) in addressing the baptized by his Christian name after the priest or deacon has plunged him, and (3) in sealing the brow with chrism. Syn. Rom. ad Gallos. A.D. 384 Can. 7: The priest and the deacon are in the habit of giving remission of sins at Easter, and completing the office when the bishop is present. They also descend into the font and act ministerially (in officio sunt), but the sum of what is done is allowed to be in the bishop's name (episcopi nomine facti summa conceditur). Selvaggius III. c. 2, § 1, gives instances of solemn baptism being suspended during the bishop's absence until his return.

(104). Concil. Elib. A.D. 305, Can. 77, Craisson, § 3280.

(105). Acts, viii. 38 : Gelasius, A.D. 494, ap. Gratian, 1 Dist. XCIII. c. 13: Without the presence of a bishop or a priest let deacons not dare to baptize except extreme necessity compel them. Const. 12 Edmund, A.D. 1236: We charge that deacons presume not to administer penance or baptism except when the priest is not able, or not present, or stupidly refuses, and

layman except in case of real necessity ([106]). A layman baptizing without necessity exposes himself to excommunication and is disqualified for orders ([107]). Baptism by a woman was formerly forbidden ([108]). Nevertheless, such baptism is held to be valid in the Western Church so far as to cleanse from sin, if it cannot be avoided ([109]), and even baptism administered by a heretic, a pagan, or a Jew, provided it is given with the intention to baptize and the form of the Church is observed ([110]).

death is imminent. Theodori Poenit. II. III. 16, in Haddan & Stubbs III. 192 : Deacons can baptize.

(106). Concil. Elib. A.D. 305, Can. 38 : When travelling far from home, or at a distance from a church, a layman (fidelis) who has preserved his own washing and not been twice married may in case of necessity baptize a sick catechumen, yet so that if he recovers he must bring him to the bishop that his baptism may be completed by the imposition of hands. Augustin ap. Gratian III. Dist. IV. c. 21 and 36, tells of a penitent baptizing a sailor in a case of shipwreck. Gelasius, A.D. 494, *Ibid.* I. Dist. XCIII. c. 13 : To baptize in case of emergency is for the most part (plerumque) conceded to lay Christians. This Isidor. *Ibid.* III. Dist. IV. c. 19, repeats. Const. 1 Othobon, A.D. 1268, allows that it can be administered by anyone in case of necessity. Const. 3 Peckham, A.D. 1281 : It is allowed to laymen or women to baptize children in case of inevitable necessity. Lynd. 41, 43, 241. Yet Apost. Const. III. 11, and the whole Eastern Church disallow lay baptism. See Concil. Lat. IV. Can. 9, A.D. 1215, in Decret. Lib. III. Tit. XLII. c. 6. See Sacraments, § 14.

(107). Theodori Poenit. I. IX. 11, 1. c. III. 185 : If an unordained person rashly (per temeritatem) baptize let him be excluded from the Church and never ordained. Decret. Lib. V. Tit. XXVIII. c. 1.

(108). Epiph. Haer. 49; Stat. Eccl. Ant. A.D. 505, Can. 100, ap. Gratian III. Dist. IV. c. 20 : Let not a woman presume to baptize. Apost. Const. III. 9: If baptism were to be administered by women certainly our Lord would have been baptized by his own mother and not by John. Conf. Innocent III. in Decret. Lib. V. Tit. XXXVIII. c. 10.

(109). Auctor incert. ap. Gratian Caus. XXX. Qu. III. c. IV. ; Concil. Westminster, A.D. 1200. Can. 3 ; Const. 33 Edmund, A.D. 1236 ; Const. 3 Peckham, A.D. 1281.

(110). Augustin ap. Gratian III. Dist. IV. c. 31 : Were I pressed to give my opinion I should not hesitate to declare those baptized who received it whenever and by whomsoever administered in the form of the Gospel words, in good faith and with some knowledge of the Truth, although it would not profit them for spiritual salvation, if they were wanting in that charity whereby they are engrafted into the catholic Church. For "If I have all faith," etc. Baeda, *Ibid.* 51 : Whether it be a heretic, a schismatic, or

13. As the prayers of the fasting Church are necessary to bestow sacramentally any gift of the Spirit, so the proper time for the solemn administration of baptism in its integrity is at the close of the Lenten or some other fast season. Easter-eve or one of the following eight days (111) is the regular time, and also Whitsun-eve. (112) In the East, in Africa, and in Ireland solemn baptism was likewise given at the Epiphany, (113), and in Gaul at Christmas

a criminous man, whoever baptizes with the confession of the Holy Trinity, he who has been so baptized may not be re-baptized by good catholics. Theodori Poenit. 1, IX. 12, in Haddan & Stubbs, III. 185, and ap. Gratian Caus. 1, Qu. 1, c. 59, repeating III. Dist. IV. c. 23: The Roman Pontiff holds that the grace of baptism is not bestowed by the man who baptizes, although he be a pagan, but by the Spirit of God. Nicolaus, A.D. 865, *Ibid.* III. Dist. IV. c. 24, says baptism by a Jew is good. Innocent III. in Decret. Lib. III. Tit. XLIII. c. 3, says that a man is made a member of Christ not only by the sacrament of faith, but also by faith of [having received] the sacrament. Lynd. 41, 50, 244, 245. Stephens' Eccl. Stat. 2032.

(111). Lynd. 37.

(112). Syn. Rom. ad Gallos, A.D. 384, Can. 7, allows presbyters and deacons to give remission of sins and to complete their ministry at Easter. At other times a presbyter is allowed to baptize in case of sickness, but not a deacon. Tertullian, De Bapt. c. 19, mentions Easter, and Apost. Const. v. 19, says baptizing your catechumens at Easter. Siricius to Himerius of Tarragona, A.D. 385, ap. Gratian III. Dist. iv. c. 11: It is pure presumption for innumerable people, as you say, to receive the mystery of baptism at Easter, the Epiphany, and the festivals of apostles and martyrs, since with us and with all Churches the Lord's Easter and Pentecost alone claim this privilege. Leo, A.D. 447, *Ibid.* c. 12, 13, 14; Gelasius, *Ibid.* c. 17, 18; Concil. Gerund. A.D. 517, Can. 4; *Ibid.* c. 15: As to baptizing catechumens it is decreed that because at the solemn time of Easter and Pentecost, when it is high tide few come to be baptized, only the sick may be baptized at other seasons, to whom baptism may at no time be denied. Concil. Matiscon. II. A.D. 585, Can. 3; Egbert's Excerpt. 10, A.D. 740; Concil. Clovesho. A.D. 747, Can. 13; Concil. Chelsea, A.D. 787, Can. 2: That baptism be administered according to the canonical rules and not at any other time. Concil. Winton. A.D. 1071, Can. 7: That baptism be celebrated at Easter and Whitsuntide only, except there be danger of death. Const. 3, Otho. A.D. 1237: The two sabbaths before the resurrection of the Lord and Pentecost are appointed for the solemn celebration of baptism. Const. I. Othobon, A.D. 1268; Const. 4 Peckham, A.D. 1279; Lynd. 247.

(113). Gregor. Nazianzen Hom. 40; Victor de Vit. Hist. Pers. Vandal. II. 47; Patricii Syn. II. 19, in Haddan & Stubbs, II. 336.

or on any festival day which had a vigil ([114]). By using chrism, which has been consecrated by anticipation, baptism can however be given at other times, and the children of Christian parents, except those born within eight days of Easter or Pentecost, ([115]) are directed to be baptized without delay. ([116]) In cases of emergency adults may also be baptized at any time, ([117]) but such baptism is called clinical or bed baptism, ([118]) and is a disqualification for orders. ([119]) In the Roman Church the font is solemnly consecrated only at Easter and Pentecost, and the consecrated water is reserved for use afterwards. By English rule the font may not be solemnly consecrated even at Easter, unless a child is to be baptized therein, ([120]) and the consecrated water may not be kept in the baptistry for more than seven days. ([121])

14. The proper place for the ministration of baptism is a

(114). Duchêsne, p. 283.

(115). Const. 10 Edmund, A.D. 1236; Const. 4 Peckham, A.D. 1279; Lynd. 243, 244, 246.

(116). Concil. Autissiodor. A.D. 578, Can. 18, however forbids children to be taken to other parishes to be baptized out of Easter. By Ine's law 2, A.D. 693, children were to be baptized within 30 days; by Edgar's law 15, A.D. 960, within 37 nights; by law 10 of Northumbrian priests, A.D. 950, within 9 nights; by Const. 4 Peckham, A.D. 1279, presently as they are born. Lynd. 247, assigns 4 reasons: (1) the uncertainty of life, (2) the devil's power over the unbaptized, (3) the importance of early training, (4) possible mistakes of parents if they have to give baptism in a hurry.

(117). Leo, ap. Gratian III. Dist. IV. c. 16: If any are overtaken by a sudden prospect of death, illness, siege, persecution, or shipwreck, they may be baptized at any time. Concil. Laodic. A.D. 363, Can. 47, requires them to receive instruction afterwards, if they survive. Egbert's Excerpt. 11 A.D. 740; Lynd. 241, 249; Concil. Gerund. A.D. 517, Can. 4, quoted note 112.

(118). Cyprian, Ep. 75, 13; Concil. Autissiodor, A.D. 578, Can. 18: It is not lawful to baptize any out of the solemn Eastertide except those in danger of death, who are termed bed men (grabatarii). Lynd. 243, 244.

(119). Concil. Neocaesarense Can. 12, A.D. 314, ap. Gratian I. Dist. LVII. Eusebius VI. 43, relates that it was not lawful that any one baptized in his sick bed should be ordained, but a dispensation was given to Novatus. A.D. 250.

(120). Can. 37 Elfric, A.D. 957: Let no oil be put in the font unless a child be baptized therein.

(121). Const. 10, Edmund, A.D. 1236: Let not the water in which a child has been baptized be kept in the baptistry above 7 days.

collegiate or mother church, (122) or, as it was formerly called, a baptismal church. (123) Such churches were often adjacent to fountains or streams, (124) which served for baptizing; but they were afterwards required to have baptistries of stone. (125) Baptistries were at first forbidden to conventual Churches; (126) but the prohibition was relaxed by custom. When lesser Churches acquired parochial rights, as they did in the 12th century, they were required to have a font for the baptism of children, (127) secured by lock and key, (128) in place of a baptistry; and baptism being forbidden out of Church, except to princes, or when access could not be had to one without peril, (129) fonts were also allowed in subordinate chapels. If baptism is admin-

(122). Concil. Vien. A.D. 1311, in Clem. Lib. v. Tit. x. c. 1. Lind. 241, calls the cathedral church the matrix or mother church. There were, however, other mother churches in the West.

(123). Const. 10 Edmund, A.D. 1236.

(124). Baeda I. 30, shows that many churches must have been converted heathen temples adjacent to wells which were formerly objects of worship. Edgar's Law 16, A.D. 960. In aftertimes many of these became holy wells or lady wells, such as Tideswell in Derbyshire, Chapelwell in Spreyside, Muswell near London, the Ladywell or Puit at Westminster, the Holywell at Walsingham. These wells were decorated on Sundays in May and August. Bridgett's Our Lady's Dower, p. 331. Duchêsne, p. 309, mentions a number of natural baptistries which filled themselves on the vigil of Easter.

(125). Const. 10 Edmund, A.D. 1236: In every baptismal church let there be a baptistry of stone.

(126). Gregory, A.D. 593, ap. Gratian, Caus. XVIII. Qu. II. c. 7, orders a baptistry to be removed from a monastery, and an altar to be put in its place. Concil. Gall. A.D. 616, Can. 5: That neither baptisms nor masses for dead secular persons be allowed within a monastery. Lynd. 190, 241.

(127). Const. 1 Langton, A.D. 1223; Const. 9 Edmund, A.D. 1236. It was apparently not contemplated that any but infants would be baptized in parish Churches.

(128). Const. 1 Langton, A.D. 1223; Const. 9 Edmund, A.D. 1236; Const. 1 Gray, A.D. 1250; Const. 4 Winch., A.D. 1305. Concil. Ilerd. A.D. 523, ap. Gratian III. Dist. IV. c. 106, requires every priest who is unable to provide a font of stone to have a suitable vessel exclusively reserved for baptism, and not to let it be carried out of the Church. Lynd. 241, 247.

(129). Concil. Vien. A.D. 1311, in Clem. Lib. III. Tit. XV.: We forbid that any be baptized in halls, or chambers or private houses, but only in churches which have special fonts for the purpose, except kings or princes, or such a necessity arises that recourse cannot be had to a church without danger. Lynd. 241.

istered privately, the water used should be thrown into the fire, or else carried to the Church and there poured away, and the vessel in which it was administered applied to ecclesiastical purposes in honour of the sacrament. (130)

15. Whenever baptism has been imperfectly or irregularly received it should be afterwards supplemented by the ordinances of the Church. Whenever it has been invalidly received it should be reconferred (131). The Roman rule adopted by Archbishop Peckham requires the ceremonies of the catechumenate, exorcism and catechism, to be gone through after private baptism (132), but the old English rule only required those parts to be supplied which come after the catechumen's unction. (133) After irregular baptism, received at the hands of heretics or schismatics, the recipients should be reconciled to the Church and receive the baptism of the Spirit (134) either by the imposition of

(130). Const. 10 Edmund, A.D. 1236 : If a child have been baptized by a layman at home let that water, in honour of baptism, be either thrown into the fire or carried to Church, in order to be poured into the baptistry, and let the vessel in which baptism was performed be burnt or deputed to the use of the Church.

(131). Concil. Nic. A.D. 325, Can. 19 : A decree has been made that Paulianists returning to the Catholic Church be rebaptized. Concil. Constant. A.D. 382, Can. 7 : The Eunomians who are baptized with only one immersion, the Montanists or Phrygians and Sabellians we receive as we do pagans. [the reason being that in all these cases (1) the form of the Church was departed from (2) with intent to give a different baptism from that of the Church].

(132). Const. 3, Peckham, A.D. 1281 : Let the exorcisms and catechisms be used over children so baptized in reverence to the ordinances of the Church. Gousset Théologie dogmatique II, 296, states that the Roman rite requires the exorcising of the baptized if they were not exorcised previously, but that the practice of many dioceses is otherwise.

(133). Concil. Westminster, A.D. 1200, Cau. 3 : If a layman baptize a child let all that follows after the immersion be performed by the priest. Const. 1 Langton, A.D. 1223. If children are baptized by laymen let the priest perform what follows the unction, not what goes before.

(134.) Innocent A.D. 415, ap. Gratian, Caus. XXIV. Qu. 1, c. 30 : Heretics when they departed from the Catholic faith lost the perfection of the Spirit which they had received. *Id. Ibid.* Caus. 1, Qu. 1, c. 17, Augustin *Ibid.* III, Dist. IV, c. 29 : The Church does not rebaptize heretics because they are baptized in the name of the Trinity. For that is the form of the sacrament. Therefore when they return they receive the power of the Holy Ghost, which those who are outside the Church have not. Pelagius II, *Ibid.* c. 30 :

hands ([135]), or by unction ([136]), or by making a public confession of the true faith ([137]), the baptism itself being otherwise good ([138]).

Those who have been baptized in the name of the Trinity you will hasten to associate to the Catholic faith by bestowing the sole favour of reconciliation.

(135). Dionysius of Alexandria in Euseb. VII, 2, says this was the ancient practice. Also Stephen of Rome in Cyprian Ep. 73; Concil. Arelat. A.D. 314, Can. 8: If they find a heretic has been baptized in the name of the Father, the Son and the Holy Ghost, let hands only be laid on him. Leo. A.D. 458, ap. Gratian III. Dist. IV. c. 38: Let not those be rebaptized who have in any way received the proper form of baptism, but by imposition of hands and the power of the Holy Ghost [thereby conferred] which they could not receive from heretics, let them be joined to the Catholic Church. *Id. Ibid.* Caus. I, Qu. 1, c. 51.

(136). Gregory, A.D. 601, ap. Gratian III, Dist. IV, c. 44: We have learnt from the ancient rule of the fathers that those who have been baptized in heresy in the name of the Trinity, when they return, should be received into the bosom of the Church, either [1] by anointing with chrism, or [2] by the imposition of hands, or [3] by simple profession of faith. Accordingly the Western Church receives the Arians by a simple imposition of hands, the East by anointing with chrism.... The Monothelites and others it receives upon a simple confession of the truth. Devoti Lib. II. Tit. II. §. 27. On the other hand Apost. Const. 68, allows reordination because "those who are either baptized or ordained by heretics can be neither Christians nor clergymen."

(137). Dionysius of Alexandria, A.D. 254, in Euseb. VII. 7: Heretics were not admitted again by him although they intreated much, until they had publicly declared all that they had heard from their adversaries, and then indeed he admitted them to communion without deeming another baptism necessary for them. Concil. Nic. A.D. 325, Can. 8: If Puritans [*i. e.* Novatians] come over to the Catholic and Apostolic Church, the holy synod decrees that they who are ordained shall continue in the clergy, having first professed in writing that they will communicate with those who have married a second time, and with such as having lapsed in persecution have had a certain time of penance alloted them. Concil. Constant. A.D. 382, Can. 7: We receive Arians, Macedonians, Sabbathians and Novatians who call themselves Puritans and continents, and Quartodecimans and Apollinarians, if from being heretics they come over to the orthodox faith and give in a written renunciation of their errors by sealing them with the sacred unction on the forehead, the eyes, the nose, the mouth and the ears, saying, The seal of the gift of the Holy Spirit.

(138). Augustin contra Parmenian II: But although baptizing should be usurped not of necessity, and be given by anyone to anyone, what has been given cannot be said not to have been given, although it may rightly be said to have been irregularly (illicite) given.

16. When baptism has been once validly received, it may not be repeated, (138a) even though it were received at the hands of a non-Christian, (139) because it is sacrilege to treat the invocation or confession of the Holy Trinity as a nullity. (140) The iteration of it constitutes a disqualification for orders. (141) When, however, a doubt exists whether it has been validly received, the Western Church since the 12th century directs it to be conditionally reconferred. (142) When it is mistakenly

(138a). Concil. Carthag. I. A.D. 347, Can. 1 ; Concil. Carthag. II. A.D. 397, Can. 38, ap. Gratian III. Dist. IV. c. 107 and Caus. XXIV. Qu. I, c. 40 : Re-baptizing, re-ordination and translation of bishops are forbidden. Leo. *Ibid.* Cau. I. Qu. I. c. 57: That the washing once received be not violated by iteration because the apostle says, There is one Lord, one faith, one baptism. Augustin, *Ibid.* III. Dist. IV. c. 32, 43 ; Theodori Poenit. II. IV. 4 in Haddan & Stubbs III, 193 : Gregory Nazianzene said that second baptism is a baptism calling for tears. Baeda, A.D. 731, ap. Gratian III. Dist. IV. c. 51.

(139). Theodori Poenit. II. II. 13, A.D. 673, in Haddan & Stubbs, III. 192 : If an ordained priest discovers he has not been baptized let him be baptized and reordained, and all whom he previously baptized be re-baptized. The same is repeated I. IX. 12, *Ibid.* III. 185, with this addition : It is stated that another decision has been given on this point by the Roman pontiff, according to which the grace of baptism is not conferred by the man who baptizes, although he be a pagan, but by the Spirit of God. See note 110 above. Nicolaus I. A.D. 865, ap. Gratian III. Dist. IV. c. 24 : You say that many in your country were baptized by a Jew who may have been a Christian or may have been a pagan, and ask what ought to be done. If such have been baptized in the name of the Trinity . . . they ought not to be re-baptized.

(140). Augustin ap. Gratian III. Dist. IV. c. 28 : Ne S. Trinitatis invocatio vel confessio annulletur. Concil. Rothomag. A.D. 650, Can. 5.

(141). Theodori Poenit. I. IX. 11. l. c. p. 185 : Those who have been twice baptized in ignorance need not do penance. Only, according to the canons they cannot be ordained.

(142). Theodori Poenit. II. IX. 3. l. c. p. 197 : Whoever has a doubt about his baptism let him be baptized. Alexander III. A.D. 1180, in Decret. Lib. III. Tit. XLII. c. 2 : Concil. Westminster, A.D. 1200, Can. 3 : We charge according to the holy canons that the sacraments of which there is a doubt be conferred. Const. 1, Langton, A.D. 1223 ; Const. 11, Edmund, A.D. 1236 : If he find by full evidence that baptism was given in the form of the Church let him approve the fact, whether he did it in Latin, French, or English. But if not let him baptize the child. Const. 3 Peckham, A.D. 1281 : If the priest doubt whether the child was baptized

believed to have been received by one who lives a Christian life, the Church treats such an one as baptized with the baptism of desire, ([143]) and for this reason the children of Christian parents, brought up among Christian surroundings, are presumed to be baptized unless the contrary is made to appear. ([144])

Confirmation.

17. Of the various sacramental signs whereby baptism is bestowed in its integrity, some may be administered by any Christian, such as the washing with water for the remission of sins. Others require a deacon or presbyter, such as anointing the body with oil, or the head with chrism, to give the strength or the presence of the Spirit. ([145]) Others, again, require the intervention of the bishop as chief representative of the Church ([146]), such as touching the head with oil or the hand,

in due form let him observe the manner in the decretal [of Alexander], together with the exorcism and catechism, saying: If thou art baptized I do not re-baptize thee. If thou art not baptized "I christine thee in the Faders name, the Sonnes name," &c.

(143). Innocent III. in Decret. Lib. III. Tit. XLIII. c. 2. See above notes, 22 and 110.

(144). Innocent III. l. c. Lynd. 245.

(145). Joel II. 28, Acts II. 17, 18.

(146). Cyprian Ep. 72, 9, ad Jubian: Because they had obtained a legitimate baptism there was no need that they should be baptized any more, but only that which was lacking was performed by Peter and John, viz., that prayer being made for them and hands imposed, the Holy Spirit should be invoked and poured out upon them. Which now, too, is done among us so that they who are baptized in the Church are brought to the prelates of the Church, and by our prayers and by the imposition of hands obtain the Holy Spirit, and are perfected with the Lord's seal. Apost. Const. III. 16: Thou, therefore, O bishop, shalt anoint the head of those that are to be baptized, whether they be men or women, with the holy oil for a type of the spiritual baptism. After that either thou, O bishop, or a presbyter that is under thee, shall in the solemn form name over them the Father, Son, and Holy Ghost, and shall dip them in the water and let a deacon receive a man and a deaconess the woman. After that let the bishop anoint those that are baptized with ointment. Innocent III. A.D. 1204, in Decret. Lib. I. Tit. XV.

to ratify the completion of the catechumenate, and anointing the brow with chrism to give the perfection of the Spirit, called the Lord's seal. ([147]) The bishop's part in the solemnity, when administered separately, as became the custom in rural churches in the West after the 4th century ([148]), was termed the laying on of hands ([149]), chrismation ([150]), consignation ([151]), or the benediction ([152]), by the Greeks the sacrament of the ointment (μύρον), in this country bishoping ([153]) and now most commonly confirmation ([154]).

18. Confirmation may therefore be said to be a sacramental rite which is part of and the completion of the sacrament of baptism ([155]). It consists (1) in the bishop laying his hand

(147). Concil. Constant. A.D. 382, Can. 7: Sealing them with the sacred unction . . . . . and saying: The seal of the gift of the Holy Spirit. Concil. Laodic. A.D. 363, Can. 48: It behoves baptized persons to be also made partakers of the heavenly sealing and the Kingdom of Christ. Theodoret on the Canticles, Lib. IV.: They receive the anointing of spiritual ointment as it were a kind of seal of the Kingdom being made partakers of the invisible grace of the most Holy Spirit by the ointment as it were under a figure.

(148). Hieronym. adv. Luciferian. c. 4.

(149). Concil. Elib. A.D. 305, Can. 38: Let him bring him to the bishop so that [lay baptism] may be completed by the laying on of hands. Augustin cont. Donatistas II. c. 16. Leofric Missal, p. 222.

(150). Leo Serm. 4 De Nativitate calls it Chrisma salutis.

(151). Gelasian Sacramentary, ap. Muratori, I. 571: Ad consignandum imponit eis manum. Duchêsne 327 observes that usually the Roman Church speaks of the rite as imposition of hands, the Gallican Church as chrismation or consignation.

(152). Concil. Elib. A.D. 305, Can. 77: If a deacon baptise apart from a bishop or priest let the bishop complete the baptism by the benediction, Leofric Missal. p. 222: Ecce sic benedicitur omnis homo.

(153). Can. 17, Elfric, A.D. 951.

(154). Maldonatus refers this name to Ambros. Lib. De Initiandis, c. 7. The same term is used of giving the cup in the Eucharist and of anointing the bishop's hand at ordination.

(155). Cyprian, Ep. 71, 1: "It is a small matter to lay hands on them that they may receive the Holy Ghost, unless they receive also the baptism of the Church; for then finally can they be fully sanctified if they be born of each sacrament." Baeda II. 2, relates that in 603 A.D. one of the three demands addressed by Augustine to British Christians was that they should complete baptism (ut ministerium baptizandi . . . . compleatis) according

on the head of one who has been already anointed with the catechumen's oil (156), and then (2) after a solemn prayer signing his brow with chrism with the sign of the cross (157). The laying on of the hand was formerly given by uplifting the hands over all the candidates at once, the final touch by giving each one a slap on the cheek (158). At the signing with chrism each one was addressed by his Christian name to show that he was thereby admitted to the communion of saints (159).

19. The essential matter in confirmation is a subject of dispute. By some it is held to consist in the touch of the bishop's

to the Roman use. Theodori Poenit. II. IV. 5, in Haddan & Stubbs III. 195 : We believe no one can be perfect in baptism without the bishop's confirmation, but we do not despair [Conf. Concil. Elib. Can. 77 : If they depart this life without confirmation they can be justified by the faith by which they believe]. Pseudo-Isidor ap. Gratian III. Dist. V. c. 3 : These two sacraments [baptism and confirmation] are so closely bound up together that, unless death intervene, neither can be separated from the other.

(156). Apost. Const. III. 15 : Only by the laying on of the hand the bishop shall anoint a woman's head [pre-baptismal anointing]. Concil. Elib. A.D. 305, quoted noto 149. Duchêsne, 319 ; Perrone Praelect. 51.

(157). Apost. Const. II. 32, quoted note 39. The second act includes the anointing, signing, and laying on of hands of Tertullian De Resc. 3. Baeda Op. Min. p. 277, says : (1) placing his hand on the head of each, (2) anointing it with chrism which he had blessed. These two acts he calls impositio manus in Vita Cuthberti XXXII. p. 109. Ordo Romanus ap. Hittorp. p. 84 : Let the bishop, whilst the archdeacon holds the chrism, (1) raise and lay his hand upon the heads of all, and say over them the prayer (orationem) invoking the sevenfold grace of the Spirit, and (2) then having dipped his thumb in chrism sign the cross on the forehead of each. Wordsworth's Pontifical of S. Andrew, p. 66 : Primitus (1) impone manum super caput et (2) tanges eum vel eam [sc. chrismate]. Ordo S. Amandi, A.D. 800, ap. Duchêsne, p. 453, describes infants being anointed with oil after baptism by the priest, and then confirmed by the bishop : (1) dicendo orationem et tangendo capita ipsorum de manu. Deinde, (2) pontifex revertit ad infantes priores et facit crucem de crisma cum pollice.

(158). Durandus, VI. 84, 6 : This slap represents the imposition of hands because the apostles confirmed by imposition of hands. Devoti Lib. II Tit. II. § 42, traces the practice back to the time of Gregory.

(159). Apost. Const. II. 32, refers to this : By the bishop the Lord, in your illumination, testified by the imposition of the bishop's hand, sent

hand (160) whereby the recipient is confirmed or strengthened for the Christian fight (161); by others in signing with chrism, (162) whereby he receives the perfection or the sevenfold gifts of the Spirit (163); by others again in both acts. Since the laying on of hands, as practised in mediæval times, preceded the signing with chrism, it clearly represents the completion of the catechumenate (164) rather than the imposition of hands, which after the anointing with chrism completed baptism. It cannot, therefore, have been the essential part of confirmation. If, nevertheless, a laying on of hands is held to be essential to communicate the effect of the Church's corporate prayer, such a laying on is universally allowed to be given in signing with chrism; (1) because chrismation involves direct con-

out the sacred voice upon every one of you, saying: Thou art my son, this day have I begotten thee.

(160). Sirmond, and others, because it is said, Acts viii. 16, 17: τότε ἐπετίθουν τὰς χεῖρας ἐπ' αὐτούς. Craisson, § 3335. Pseudo-Urban Epist. c. 7: All the faithful ought to receive the Holy Spirit after baptism by imposition of the hand of the bishop.

(161). Pseudo-isidor. ap. Gratian III. Dist. v. c. 2: In baptism we are regenerated to life, after baptism we are confirmed to fight. In baptism we are washed, after baptism we are strengthened. And, although the benefits of regeneration suffice for those who go straight forward, the helps of confirmation are necessary for those who will conquer.

(162). Tertullian, De Bapt. c. 7: The unction runs down carnally, but profits spiritually. Cyril. Catech. Myst. XIX.: While thy body is anointed with visible ointment thy soul is sanctified by the holy and life-giving Spirit. Syn. Rom. ad Gallos, A.D. 384, Can. 8: The chrism poured on the head imparts a grace to the whole body. Apost. Const. VII. 43: When he has baptized him he shall anoint him with ointment, adding a prayer [as follows]; c. 44: for this [anointing] is the efficacy of the laying on of hands to each one. Craisson, § 3337. See Sacraments, note 83.

(163). 2 Cor. i. 21, 22; Rabanus ap. Gratian, III. Dist. v. c. 5: By the imposition of hands of the high priest the Paraclete is given to the baptized that he may be strengthened by the Holy Spirit to preach to others that gift which he himself has received in baptism. For the baptized is signed with chrism by the priest on the top of the head, but by the bishop on the brow to signify by the former unction the descent of the Holy Spirit to consecrate a habitation for God; and to declare by the latter that the sevenfold grace of the Holy Spirit, with all the plenitude of holiness and wisdom and virtue, has been bestowed on him. Amalarius De Eccl. Offic. I. 12.

(164). See above, § 4.

tact with the hand of the administrator, (165) and indirect contact with the hand of the consecrator of the chrism; and (2) because by the benediction the effects of prayer and fasting have been imparted to the chrism, and are through it conveyed to the person confirmed. On the other hand the laying on of hands is held to suffice without chrism in the case of those who have already been anointed at baptism (166). Hence, confirmation need not be repeated if the bishop has used the catechumen's oil by mistake for chrism; but in such a case the Roman Church requires the missing parts to be afterwards supplied (167). The Western Church anoints the brow only, (168) the rest of the body having been already anointed at baptism. The Greeks, who administer baptism and confirmation together, anoint the eyes, ears, mouth and nose, and at one time anointed also the breast, the hands, and the feet (169).

(165). Innocent III. A.D. 1204, in Decret. Lib. I. Tit. XV. § 7: By impressing chrism on the brow the imposition of hands is expressed, which is also called confirmation because thereby the increase of the Spirit is given and strength. Therefore, while a simple presbyter can give other anointings, none but the high priest, *i. e.* the bishop, can give this one, because it is said only of the apostles, whose representatives bishops are, that they gave the Holy Spirit by the imposition of hands, as is clearly set forth in the Acts of the Apostles. Innocent IV. in Gousset, Théologie dogmatique, II. 306, says: Chrismation represents imposition of hands. Michael Palaeologus and the Greek bishops state, writing to Gregory X. at the Council of Lyons, A.D. 1274: Aliud est sacramentum confirmationis, quod per impositionem manuum episcopi conferunt chrismando renatos. Lynd. 43, 40; Palmer's Orig. II. 207.

(166). Tertullian De Bapt. c. 8; Concil. Araus, A.D. 441, Can. 2: With us it is sufficient to be once anointed with chrism. But let the bishop (sacerdos) have notice given him at confirmation of one who for any cause whatsoever has not been anointed with chrism at baptism. For among all there is but one benediction of the chrism, so that without prejudice to anything a repetition of the chrismation is not necessary. Natalis Alexander Saec. II. Diss. X. Baeda in Ps. xxix.: That anointing which is given by the imposition of hands by the bishop, and is called confirmation.

(167). Innocent III. in Decret. Lib. I. Tit. XVI. c. 1.

(168). Augustin, in Ps. 141, says because shame shows itself in the brow, and the Christian must not be ashamed to confess Christ.

(169). Concil. Const. A.D. 382, Can. 7; Cyril. Catech. Myst. XXI.

20. The essential form is also a matter of difference. By some it is held to consist in the words with which the signing with chrism is administered ([169a]); by others in the prayer for the sevenfold gifts of the Spirit, which immediately precedes the signing with chrism ([170]); by others again in the prayer whereby the chrism is hallowed. Since it is universally held that, for the chrism to be efficacious, it must be properly hallowed ([171]) it would seem to follow that the prayer hallowing the chrism (which represents the solemn personal benediction of the neophyte of earlier times) must be the essential form which constitutes the sacrament. The prayer for the sevenfold gifts of the Spirit superadded at the time of administration is then only a reduplication rendering the sacrament more solemn to the individual recipient. When hallowed chrism is not used, the latter prayer is itself the essential form.

21. Since every sacramental communication of the Spirit requires prayer and fasting on the part of the whole Church, the hallowing of the chrism, to be the sacramental means of such communication, is a most solemn act, and can only be performed by the bishop ([172]) assisted as in ordination by all the presbyters and people ([173]). At Alexandria none but the patriarch hallowed the chrism, all the metropolitans and bishops of the patriarchate assisting him in so doing. In the West it is hallowed by every bishop. The Gallican Church permitted the hallowing at any time when it was wanted ([174]), but usually hallowed it on "Unction-day," the Sunday before Easter.

(169a). Devoti, Lib. II. Tit. II. § 30.

(170). Leofric Missal. p. 222.

(171). Dionys. Areop. de Eccles. Hier. II. 2, calls the μύρον θεουργικώτατον.

(172). Concil. Carthag. II. A.D. 390, Can. 3, *Ibid.* Caus. XXVI. Qu. VI. c. 1: Let not the consecration of the chrism be effected by presbyters. Concil. Carthag. III. Can. 36, A.D. 397, *Ibid.* c. 2: Never let a priest hallow the chrism. Concil. Hispal. II. A.D. 619, *Ibid.* 1 Dist. CXVIII. c. 4: forbids a priest to hallow the chrism.

(173). Basil. de Spir. Sanct. c. 37: We bless the water of baptism and the oil of unction. Leofric Missal. 222: Benedicat et domnus papa et omnes presbyteri.

(174). Concil. Tolet. 1 Can. 20, A.D. 400, and Concil. Martini. A.D. 572, Can. 51, declare that a bishop may at any time consecrate the chrism and send it to the priests in his diocese.

The Roman Church limits it to one day in the year, Maundy Thursday at the close of the Lenten fast (175). In exceptional cases presbyters have, however, been authorized to hallow it (176), and this was the practice in Africa in the 5th century (177).

22. As the bishop is the proper person to hallow the chrism, so he is also the proper person to administer confirmation (178). In the East and in the Gallican Church (179), and in the Roman Church by way of exception (180), presbyters are permitted to confirm using chrism which has been solemnly consecrated by the bishop, and everywhere they may give the lesser confirma-

(175). Menard in Not. Lib. Sacr. Gregorii, p. 263; Bona Rer. Lit. Lib. I. c. 18, § 6, and Martene De Antiq. Rit. Lib. I. c. 3, art. 3, state that in the 7th century one of the three solemn offices of the bishop on Maundy Thursday was to hallow the chrism. The other two as Devoti Lib. II. Tit. II. § 39, explains were to reconcile penitents and to celebrate the Lord's Supper. Isidor, *Ibid.* III. Dict. III. c. 18; Leofric Missal. A.D. 1040, p. 258, gives the form of the three offices. Honorius in Decret. Lib. I. Tit. XLI. c. 12, directs a bishop to hold one Eucharistic celebration on Maundy Thursday for the consecration of the chrism. Const. 21 Othobon, A.D. 1268, and Const. 6 Peckham, A.D. 1279: The consecration of the chrism is annually to be performed by the bishop, and the same we take to be understood of the holy oil of the catechumens. Const. 2, Reynolds, A.D. 1322.

(176). Apost. Const. VIII. 29: Let the bishop bless the water or the oil; but if he be not there let the presbyter bless it. Perrone Prælect. 51, Craisson § 1715, give instances of missionary priests having been authorized by the pope to consecrate the chrism. Liebermann, Inst. Theol. VI. 224, 231.

(177). John the deacon's letter to Senarius, c. 8, A.D. 496.

(178). Concil. Elib. A.D. Can. 35 & 77; Innocent A.D. 426, ad Decret. ap. Gratian III. Dist. IV. c. 119: Hæc pontificibus solis deberi ut vel consignent vel Paracletum Spiritum tradant; Gelasius A.D. 494, ap. Gratian I. Dist. XCV. c. 2, censures priests for assuming to give it. Gregory, *Ibid.* c. 1: It has reached our ears that some have been offended because we forbad presbyters to mark the baptized on the brow with chrism ....Where there are no bishops we permit presbyters so to do. *Id. Ibid.* III. Dist. IV. c. 120; Nicolaus ad Hincmar Ep. 70, Pseudo-Isidor. *Ibid.* III. Dist. V. c. 2: Confirmation is administered by the greater, *i.e.* by the chief pontiffs and may not be given by the lesser priests. Innocent III. in Decret. Lib. I. Tit. IV. c. 4; Lynd. 40.

(179). Concil. Araus. A.D. 441, Can. 1, 2; Concil. Tolet. A.D. 400, Can. 10; Concil. Epaon. A.D. 517, Can. 16; Concil. Brac. II. A.D. 572, Can. 52.

(180). Eugenii IV. Decretum ad Armenos, A.D. 1439.

tion, which consists in anointing the head but not the brow with chrism after baptism. For this purpose the bishop is required to supply them with chrism gratis ([181]). In the Gallican Church rural priests are enjoined to fetch it at any time after midlent ([182]) from their own bishop but not from a stranger ([183]), and incumbents of greater churches after Easter; ([184]) and when they have obtained it to keep it under lock and key. ([185])

23. All who have received the saving laver and have not yet been confirmed are proper subjects for confirmation, and it should be given to them as soon as possible after baptism, whether they are adults or children. Parents should be exhorted to bring their children to the bishop for this purpose whenever he is in the neighbourhood ([186]), and adults be reminded that confirmation is necessary for spiritual perfection,

(181). Concil. London, A.D. 1126, Can. 2: We charge that no price be demanded for chrism oil, etc. Concil. Westminster, A.D. 1138, Can. I; Concil. London, A.D. 1175, Can. 7; Concil. Westminster, A.D. 1200, Can. 8; Concil. Lat. IV. A.D. 1215 in Decret. Lib. V. Tit. III. c. 42; Const. 27 Langton, A.D. 1222: To demand anything for chrism or the holy oil we judge to be unreasonable. Const. 7 Edmund, A.D. 1236; Const. 2 Othobon, A.D. 1268, Lynd. 74, 268.

(182). Concil. Martini, A.D. 572, Can. 51; Concil. Autissiodor, A.D. 578, Can. 6, requires priests to fetch it after midlent. If they are not well enough to go to fetch it they should apply to the archdeacon or his deputy, and carry with them a chrismatory wrapped in linen.

(183). Stat. Eccl. Ant. A.D. 505, Can. 10, ap. Gratian I. Dist. XCI. c, 4: Let presbyters who rule Churches in self-governing districts (per dioceses) fetch the oil every year after Easter not from any but from their own bishops, not by one of the junior clergy but either in person or by the hand of him who presides over the sacristy (sacrarium); also III Dist. IV. c. 123; Concil. Vas. I. A.D. 442, Can. 3.

(184). Stat. Eccl. Ant. Can. 10, quoted above.

(185). Const. 3 Reynolds, A.D. 1322: Let the holy oil and chrism be kept safely under lock and key.

(186). Edgar's Law, 15 A.D. 960: That no one too long remain unbishoped. Const. 2 Reynolds, A.D. 1322: Let priests often exhort the people to have their children confirmed: for that sacrament ought to be received after baptism. If the person to be confirmed be adult he is to be admonished by the priest of the place first to go to confession and then to be confirmed. And let him come fasting to confirmation in honour to that sacrament. And let parents be often admonished by the priests to carry their baptized children to the bishop for confirmation and not stay long for

although it may not be for salvation. Without confirmation or a desire for it none may be admitted to communion ([187]), but when it is desired and cannot be had, death can take its place in the case of those who have passed innocently through life ([188]). When it has once been received it impresses a character on the soul, and may not therefore be repeated without sacrilege ([189]).

24. Those who have come to years of discretion ([190]) without receiving it, should prepare for it by fasting and confession ([191]). The canons require some person other than the parent to stand by and hold the candidate at the time he is confirmed ([192]), who thereby contracts the same spiritual relationship that a

the coming of the bishop, but carry them to him when he is in the neighbourhood as soon as may be after baptism, and carry fillets sufficiently large along with them. Lynd. 34 explains that as soon as possible means within six months, and p. 32 that the neighbourhood means within seven miles.

(187). Innocent III. in Decret. Lib. III. Tit. XLIII. c. 3; Const. 4, Peckham, A.D. 1281: Many neglect the sacrament of confirmation for want of watchful advisers .... To cure this damnable neglect we ordain that none be admitted to the sacrament of the Lord's Body and Blood that is not confirmed, except at the point of death, unless he have a reasonable impediment. Lynd. 40.

(188). Concil. Elib. Can. 79, quoted note 155; Pseudo-Isidor, ap. Gratian III. Dist. V. c. 1, compare Theodori Poenit. II. IV. 5: but we do not despair. Perrone, Praelect. 55. Treatise on rebaptism, A.D. 255, c. 4.

(189). Concil. Tarracon. A.D. 813, ap. Gratian III. Dist. V. c. 8; Const. 2 Reynolds, A.D. 1322: Let parents take care that they do not a second time offer their children to be confirmed, because the children, if males, are by the repetition of the sacrament made irregular, and the parents by such neglect are by the canons liable to severe punishment.

(190). Const. 2 Reynolds, A.D. 1322, quoted above, Lynd. 34, 36, states that adult means 14 years of age.

(191). Concil. Aurel. 511, ap. Gratian III. Dist. V, c. 6: Let those of perfect age come fasting to confirmation, and be exhorted first to confess that they may be pure to receive the gift of the Holy Spirit and know that no one is ever a Christian unless he has been marked with chrism by episcopal confirmation. Const. 2 Reynolds, A.D. 1322.

(192). Pseudo-Isidor. ap. Gratian, Caus. XXX. Qu. I. c. 1; Cnut's Law 22, A.D. 1017; Concil. Westminster, A.D. 1200, Can. 3; Const. 2 Reynolds A.D. 1322; Lynd. 33, says that this holding signifies the weakness of the baptized without the grace of confirmation. *Id.* 243 says that this rule applies to adults.

sponsor does in baptism ([193]). To treat the sacrament with becoming respect, it was the English rule to bind the forehead with a band or fillet over the spot touched by the chrism. This fillet was removed on the third day by the priest in Church and burnt ([194]).

THE EFFECTS OF BAPTISM.

25. The effects of baptism when administered in its integrity to qualified persons are threefold ([195]). Thereby (1) they obtain forgiveness of all their sins, both actual and original ([196]). They receive (2) the renewal of the Holy Ghost, *i.e.* the implanting of a new spiritual life in the case of adults, ([197]) or the germ of such a life as an inchoate power in the case of in-

(193). Const. 2 Reynolds, A.D. 1322: Let no child be held at confirmation by father or mother, step-father or step-mother. And our will is that this prohibition be often published in the Church by the priests that parents and others who hold children at confirmation may know that a spiritual relationship is contracted at this sacrament as well as at baptism. Lynd. 34, 242, 243.

(194). Const. 2, Reynolds: Let the children on the third day after confirmation be carried to church, that their foreheads may be washed in the baptistry by the priest's hand in honour to the chrism, and at the same time let the fillets be there burnt.

(195). Innocent III. A.D. 1205, in Decret. Lib. III. Tit. XLII. c. 3, says the effects of baptism are threefold: (1), guilt is forgiven, (2) danger is avoided, (3) the kingdom of heaven is entered, which he derives from the words Unless a man is born again, (1) of water, and (2) of the Spirit, he cannot (3) enter the kingdom of God. Ayliffe, 104, enumerates four. Lynd. 244, says that in baptism there are three things: (1) water as the means, (2) the forgiveness of sin as the effect, and (3) the character impressed on the soul.

(196). Rom. viii. 1: There is no condemnation to those who are in Christ Jesus (by the baptismal initiation). 1 Cor. vi. 11; Justin, c. 61; Iren. Frag. 34: As we are lepers in sin we are made clean by means of the sacred waters and the invocation of the Lord from our old transgressions. Cyprian adv. Judæos III. 65: All sins are put away in baptism. Augustin ap. Gratian III. Dist. IV. c. 81: In baptism there is a washing off of all past sins. Therefore, Ambros. *Ibid.* c. 99, says that penance is not necessary for those who have been baptized. Codex Eccles. Afric. 110.

(197). 1 Pet. i. 2; 2 Thes. ii. 13; 1 Cor. vi. 11: Ye are washed, ye are sanctified. Titus iii. 5; Iren. Haer. v. 8, 1: We do now receive a certain

fants. ([198]) They are (3) admitted to the kingdom of heaven, or fellowship of those who share the divine life ([199]), in which by mutual sympathy and prayer they are aided in holiness. These effects imprint on them (4) an indelible character ([200]), in consequence of which they are called the people of God or laymen ([201]), and are said to be "a chosen generation, a royal priesthood, a holy people" ([202]). If baptism is administered

portion of His Spirit, leading towards perfection. Cyprian Ep. 62 (Oxf. 63) 8 : By baptism the Holy Spirit is received. Origen de Prin. I. 1, 3 : The Spirit is a sanctifying Power in which all are said to have a share who have deserved to be sanctified by his grace. Augustin ap. Gratian III. Dist. IV, c. 43, says that those baptized outside the Church have the form but not the virtue or baptism of the Spirit.

(198). Innocent III. l. c.: Some say that in baptism guilt is remitted, but grace is not conferred on infants; others, that sin is both remitted and virtues are infused as to the possession (habitum), but not as to the exercise (usum) of them before they come to years of discretion. Thomas Aquin. Pars. III. c. 69 : Children and adults are alike made members of Christ, and receive an influx of grace and virtue from the Head; but a distinction must be made between the possession (habitus) and the exercise (usus). Liebermann VI. 192.

(199). Iren. Haer. V. 20, 2: It behoves us to flee to the Church to be brought up in her bosom. 1 John i. 3; Heb. XII. 23 : Ye are come unto Mount Zion, etc. Origen contra Celsum, VII. 29, VIII. 5; Augustin ap. Gratian III. Dist. IV. c. 31, gives it as his opinion that this third effect is not received if baptism is received from a heretic or pagan. Cyprian Ep. 73 (Oxf. 74), 7.

(200). Augustin De Bapt. contra Donatistas III. 18, § 23 : We do not change the baptism of heretics. Why? Because they have baptism in such wise as a deserter has his mark (character). So they, too, have baptism ... And yet if the deserter, being corrected, begins to serve, doth anyone venture to change his mark? 1 John ii. 27 : τὸ χρίσμα ὃ ἐλάβετε ἀπ' αὐτοῦ ἐν ὑμῖν μένει.

(201). Ps. lxxxii. 6; Iren. Haer. III. 6 : Those who have received the grace of the adoption, by which we cry Abba Father, are called gods. 2 Pet. i. 4 : ἵνα διὰ τούτων γένησθε θείας κοινωνὸι φύσεως. Hippolyt. Haer. X. 31 : God has elevated thee, O man, to His own rank by having made thee even God to His glory. *Id.* Theoph. c. 8 : If man has become immortal, he will also be God.

(202). 1 Pet. ii. 9; Apost. Const. II. 25 : Hear this, ye of the laity also, the elect Church of God. For the people were formerly called the people of God [Ex. xix. 5, 6] and an holy nation" [Heb. xii. 23]. You, therefore, are the holy and sacred Church of God enrolled in heaven a royal priesthood, an holy nation, a peculiar people [1 Pet. ii. 9], a bride adorned for

by force to an unwilling subject none of these effects follow, neither is the character received (203); if to an infant or unconscious subject, the effects are potential until they become actual through faith. A catechumen has not as yet received them. A penitent, although his sin is secret, has lost them until he is restored (204).

26. The baptised are a chosen generation or the elect (205), because they are not merely called as catechumens are (206), but by God's foreknowledge and preventing grace (207) are actually chosen out of the world (208) to be the sons of God (209),

the Lord God, a great Church, a faithful Church [Rev. xvii, 14]. *Ibid.* II. 57: Let the bishop pray for the people, and say: Save Thy people, O Lord, and bless Thine inheritance, which Thou hast obtained by the precious blood of Thy Christ, and hast called a royal priesthood and an holy nation. Tertullian De Pudic. 7: a sheep means a Christian, and the Lord's flock are the people of the Church.

(203). Innocent III. l. c. states that, if not actively desiring, he must at least passively consent, to receive baptism, because he who is baptized against his will neither receives the grace (res) of baptism nor the character.

(204). Augustin ap. Gratian III. Dist. IV. c. 36: Pro peccato pro quo agebat penitentiam amiserat sanctitatem sed non amiserat sacramentum.

(205). Acts ix. 13, xx. 28; John xv. 19; 1 Cor. i. 27, 28; James ii. 5; 2 John i. 1; Apost. Const. II. 23.

(206). Rev. xvii. 14, distinguishes (1) the κλητοί or called ones, (2) the ἐκλεκτοί or chosen ones [*i.e.*, the baptized], and (3) the πιστοί or faithful ones. Rom. viii. 28; 1 Cor. i. 2, 24; Eph. iv. 4.

(207). 1 Pet. i. 2; Rom. viii. 29; Gregory ap. Gratian, Caus. XXIII. Qu. IV. c. 21. Concil. Araus. II. 529, Can. 5, says the beginning of faith is not of ourselves, but of God's grace. Can. 6: That without God's grace present in us, which makes us believe and ask, mercy is not bestowed because it is grace itself which enables us to believe and ask. Can. 7: That by our own natural powers, without grace, we cannot think or choose anything availing to salvation. Boniface II, Ep. II. ap. Labbé IV. 1688: It is certain and catholic that in all good things, whereof faith is the chief, the divine mercy prevents us being yet unwilling, so that we may will; is present in us when we will; follows us also, that we may continue to the end.

(208). John xvii. 6, 9, 14, 16, 20, 21; 2 Thess. ii. 13.

(209). 1 John iii. 2; Justin Dial. c. Trypho c. 124; 2 Pet. i, 4: Being made partakers of the divine nature. Origin De Prin. I. 3, 7: There is a special working of God the Father besides that by which He bestowed upon all things the gift of natural life. *Ibid.* IV. 1, 29: Christ is in each individual

through whom God is glorified (210). This choice is however collective and corporate, because all are not Israel which are of Israel (211), and the elect include among their number tares as well as wheat, the unclean as well as the clean, since not all who are chosen are faithful, and both clean and unclean entered the ark of old through the same door (212).

27. They are also a royal priesthood because, having received the indwelling Spirit by the baptismal unction (213), and thereby been made partakers of Christ's priesthood (214) and

in as great a degree as the amount of his deserts allows. *Id.* contra Cels. I. 57: Every man who chooses good for its own sake is a Son of God.

(210). John xvii. 1; 2 Thes. i. 10; 1 Pet. iv, 11.

(211). Rom. ix, 6.

(212). Cyprian Ep. 50, 3, A.D. 251: Because we see that there are tares in the Church we should not therefore withdraw from the Church. De Unit. c. 20: Neither does being a confessor make a man free from the snares of the devil, nor does it defend a man who is still placed in the world with a perpetual safeguard from temptations and dangers...Otherwise we should never see in confessors those subsequent frauds and fornications. Augustin in Daniel of Winchester in Haddan & Stubbs III. 348, Gregory ap. Gratian, Caus. XXIII, Qu. IV. c. 15.

(213). Ps. cxxiii. 2; Eph. ii. 22: *ἐν ᾧ* [*sc.* *χριστῷ*] *καὶ ὑμεῖς συνοικοδομεῖσθε εἰς κατοικτήριον τοῦ θεοῦ ἐν πνεύματι.* Rom. viii. 9; 2 Cor. vi. 16; Pseudo-Isidor. quoted above, § 19. Tertullian De Bapt. c. 7: When we come forth from the font we are anointed according to the practice of the old discipline, wherein on entering the priesthood men were anointed with oil from a horn. Origen De Prin. I. 3, 7: The Holy Spirit will take up his dwelling not in all men but in those whose land has been renewed. For this reason was the grace and revelation of the Spirit bestowed by the imposition of the apostle's hands after baptism. Apost. Const. III. 15: The bishop shall anoint a woman's head as priests and kings were formerly anointed, not because those who are now baptized are ordained [Jewish] priests, but as being Christians or anointed ones from Christ the anointed a royal priesthood and an holy nation. Innocent III. in Decret. Lib. I. Tit. XV. § 6: Because Christ hath by His blood made us kings and priests unto God, for which cause Peter the Apostle says, Ye are a chosen race, a royal priesthood, therefore in the New Testament not only kings and priests are anointed but also all Christians... § 7: For Christ is so called from the anointing chrism, or rather the chrism is so-called from Christ .... But Christians are called after Christ, as anointed ones are derived from Him who is anointed.

(214). Rev. i. 6 and v. 10; Tertullian de Jejun. c. 11: We are all priests

kingship ([215]), the door of communication with heaven is always open to them. Hence the spirits of all good laymen are described as being altars, from which arises an incense which is spiritually sweet-smelling, viz. the prayers which ascend from a good conscience ([216]), and they are privileged to make offerings to God ([217]), not as though He stood in need of them, but to bring themselves into communion with Him ([218]). Nevertheless, the royal priesthood of Christians, like that of the Jews of old, is primarily collective and corporate. The offerings of individuals are not

of One only God the Creator and of His Christ. Augustin De Civ. Dei xx. 10: As we call all Christians by reason of the mystical chrism, so we call all priests because they are members of one Priest.

(215). Concil. Laodic. A.D. 363, Can. 48: That those who are enlightened ought after baptism to be anointed with the heavenly chrism and made partakers of the kingship of Christ. Rabanus ap. Gratian III. Dist. IV. c. 88: The baptised is anointed with chrism that he may be a partaker of Christ's kingdom.

(216). Origen contra Celsum VIII. 17: Clem. Strom. VII. 6: The altar is the congregation of those who devote themselves to prayers.

(217). Clem. Ep. 1 ad Cor. c. 41: Let every one of you offer a thank-offering to God in his own order .... not exceeding the rule of the ministry prescribed to him. Tertullian Exhort. ad Cast. c. 7: Are not even we laics priests? It is written A Kingdom also, and priests to God the Father hath He made us. It is the authority of the Church which has established the difference between the ruling body (ordo) and the laity [the ruling body sitting whilst the laity stand in conventions], and the honour given through the formal seating of the ruling body has been hallowed by God. Where there is no formal seating [out of Church and at home] you offer and baptize, and are priest alone for yourself. But where three are, a Church is, albeit they be laics .... Therefore, if you have the right of a priest in your own person in cases of necessity, it behoves you to have likewise the discipline of a priest whenever it may be necessary to have the right of a priest. Cyprian de Unit. Eccl. c. 12, De Orat. Dom. c. 4.

(218). Justin 1 Apol. c. 10: God does not need the material offerings which men can give. Dial. Trypho, c. 22: The temple God admitted to be His house, not as though He needed it. Iren. III. 20, 2: The object of the long-suffering of God was that man passing through all things and acquiring the knowledge of moral discipline .... might always live in a state of gratitude to the Lord ... and might think of God in accordance with the Divine greatness. IV. 14, 1, and V. 2, 1: God is in want of nothing, but Man stands in need of fellowship with God, IV. 16, 4; 17, 1; 18, 1. Athenag. Ap. 13.

the sacrifice of the Church, nor are the prayers of individuals the prayers of the Church, but suffrages needing to be united to the suffrages of others before they can become effective as united prayers. ([219]) Although in cases of necessity a layman may baptize and indicate penance, yet under ordinary circumstances no one outside the official priesthood may do either; ([220]) nor may a layman under any circumstances hallow the oblation or give the greater or lesser blessing ([221]).

28. The baptized are also a holy people, because they have been brought under the discipline which makes for holiness by God's acquisition of them ([222]), by union with Christ whom they bear about and represent ([223]) and by the indwelling

(219). Clem Strom. VII. 7 : Cyprian De Orat. Dom. c. 8 : Before all things the Master of unity would not have prayer be made singly and individually . . . nor does each one ask that his own debt should be forgiven him. . . . but prayer is public and common.

(220). Heb. v. 4: No one taketh this honour upon himself, but he is called of God as was Aaron. Cyprian De Unit. Eccl. c. 17, ap. Gratian I. Dist. XC. c. 3: Does he think that he has Christ who acts in opposition to Christ's priests, who separates himself from the company of his clergy and people? . . . who forsaking God's priests dares to set up another altar and to make actions with unauthorised words, to profane the truth of the Lord's offering by false sacrifices? Socrates 1. 36, relates that the bishops took no notice of Asterius teaching heresy in public, because he was not enrolled in the catalogue of those admitted to holy orders, but they insisted that Marcellus, as a priest, should give an account of his book. Pseudo-Isidor. *Ibid.* Can. x. Qu. I. c. 7: Because priests ought to pray for all whose alms and offerings they receive, how shall laymen presume to consume or give to others offerings which Christians make for their sins, since having no official position they ought not even to pray for the people (cum non debeant ex officio suo pro populo orare). *Id. Ibid.* Cau. 1, Qu. 1, c. 81.

(221). Apost. Const. III. 10 : Neither do we permit the laity to perform any of the offices belonging to the priesthood, as, for instance, neither the sacrifice, nor baptism, nor the laying on of hands, nor the blessing either the smaller or the greater . . . . One to whom such an office is not committed, who seizes upon it for himself, shall undergo the punishment of Uzziah [2 Chron. xxvi.]; *Ibid.* ii. 27 : If Christ did not glorify himself without the Father how dare any man thrust himself into the priesthood who has not received that dignity from his superior?

(222). 1 Pet. ii. 9; Acts xx. 28 : Take heed . . . to feed the Church of God which he acquired for Himself (*περιεποιήσατο*) by means of His own blood.

(223). Gal. vi. 17 ; ii. 20 ; Cyril Catech. IV. : We thus become Chris-

Spirit which sanctifies them ([224]). For this reason they are forbidden to place themselves or their fellow-Christians in close contact with pagans or Jews as servants or slaves ([225]); to take part in Jewish or heathen rites ([226]), to be on terms of intimacy ([227]),

tofers, *i. e.* bearers of Christ when we have received His body and blood into our members. Ignatius, Eph. 9: Ye are God-bearers, shrine-bearers, Christ-bearers, holiness-bearers. Iren. IV. 20, 12: The Church is sanctified by fellowship with His Son. Tertullian De Poenit. c. 10: In company of two is the Church, but the Church is Christ. When you cast yourself at the brethren's feet, you are handling Christ. When they shed tears over you it is Christ who suffers. Origen. De Prin. IV. 1, 29, quoted note 209.

(224). Iren. Frag. 26: Every man is either empty or full. If he has not the Spirit . . . . he has not received Jesus Christ the Light . . . . If he receives God, Who says, I will dwell with them and walk in them, such an one is not empty but full. Origen De Prin. I. 3, 8: On this account is the grace of the Holy Spirit present that those beings who are not holy in their essence may be rendered holy by participating in it. *Id.* cont. Celsum VIII. 18. Clem. Strom. VII. 5, says In them God is enshrined. Cyril Catech. XXI.: Ye were made Christs by receiving the sign of the Holy Ghost [*i. e.* the chrism].

(225). Egbert's Excerpt. 150 A.D. 740: It is unlawful that they be made bondslaves to Jews, whom Christ hath redeemed by the effusion of His blood. Ine's Law 8, A.D. 693: If one buy a slave or freeman of his own nation (though he be a malefactor) and send him over sea, let him pay his wer-gild and make deep satisfaction to God. Dunstan Can. 54, A.D. 963; Concil. Ensham, A.D. 1009, Can. 6; Cnut's Law 6, A.D. 1018: We forbid any Christian to be sold wholly out of the land or into a heathen country, lest the soul which Christ bought with His own life should perish. Concil. Westminster, A.D. 1102, Can. 27; Concil. Lat. III. A.D. 1179, Can. 26, in Decret. Lib. V. Tit. VI. c. 5: Jews and Saracens may not have Christian slaves in their houses . . . Let those be excommunicated who presume to dwell with them.

(226). Syn. Trull, A.D. 692, ap. Gratian, Caus. XXVIII, Qu. 1, c. 13: Let no one in Holy Orders, or layman, take part in the Jewish feast of unleavened bread, or dwell with Jews, or call in any one of them in sickness, or take medicine from them, or enter the bath with them. Egbert's Excerpt. 147, A.D. 740: That no Christian observe Pagan superstitions. If any man attend the lustrations of pagans let him do penance 5 years. Concil. Chelsea, A.D. 787, Can. 19. *See* Chapter on CRIMES.

(227). Concil. Agath. A.D. 506, Can. 40, ap. Gratian, l. c. c. 14: Let all clergy and laity avoid in future the entertainments of Jews, nor let any one invite a Jew to an entertainment. Concil. Matiscon, A.D. 581, Can. 15,

or to intermarry with non-Christians ([228]); to associate with catechumens in prayer ([229]), or to engage in degrading professions, such as those of jockeys, and actors ([230]). Although force may be used to retain those who are already Christians within the limits of duty ([231]), yet force is forbidden to be used to outsiders to increase their number ([232]).

Duties of the Baptized.

29. By the baptismal profession Christians take upon themselves three obligations: (1) that of dissociating themselves from the devil; (2) that of associating themselves with the Christian body, and (3) that of knowing God and keeping his commandments ([233]). By the first they are pledged to avoid all

Egbert Excerpt. 146, A.D. 740: That no Christians presume to judaise or to be present at Jewish feasts.

(228). Cyprian De Laps, c. 6, censures men for "uniting in the bond of marriage with unbelievers." Concil. Arelat. I. A.D. 305, Can. 11, requires a girl to be excommunicated who marries a non-Christian. Concil. Agath. Can. 67, l. c. c. 16: It behoves not to intermarry with heretics, or to give them sons or daughters, but rather to receive their sons and daughters upon their undertaking to become Catholic Christians. Concil. Aurel. II. A.D. 533, Can. 19; Concil. Arvern. A.D. 535, Can. 4, l. c. c. 17: If any one by the marriage-tie is mixed up with Jewish depravity . . let him be separated from the company and fellowship of Christians.

(229). Apost. Const. VIII. 33: Let not one of the faithful pray with a catechumen, at least not in the house. Concil. Araus. A.D. 441. Can. 20, forbids catechumens to receive the blessing at private prayers.

(230). Concil. Arelat. A.D. 314, Can. 4 and 5, says jockeys and actors, Apost. Const. VIII. 32.

(231). Augustin, ap. Gratian, Caus. XXIII. Qu. IV. c. l., 38, 40, 43; Innocent III. in Decret. Lib. III. Tit. XLII. c. 3.

(232). Apost. Const. II. 63; Concil. Tolet. IV. A.D. 633, ap. Gratian, I. Dist. XLV. 5; Gregory, *Ibid.* c. 4, Decret. Lib. V. Tit. VI. c. 9. Devoti Inst. Lib. II. Tit. II. § 28.

(233). Math. XIX. 17; Cyprian de Orat. Dom. c. 15: Now that is the will of God which Christ both did and taught; humility in conversation, steadfastness in faith, modesty in words, justice in deeds, mercifulness in works, discipline in morals, inability to do a wrong and ability to bear a wrong; to keep peace with the brethren, to love God with all the heart, to love Him

unrighteousness and sin; by the second to conform to the Church's laws which under the Spirit's guidance ([234]) and in the exercise of the power committed to it by Christ have been framed for the good of all ([235]); by the last, to eschew many things which are allowed to others because they are not steps which lead to God ([236]), and to look on other things in a new light as things consecrated by God.

30. Sin is defined to be anything which is not consonant with

as a Father, to fear Him as God, to prefer nothing to Christ because He preferred nothing to us, to adhere to His love, to stand by His cross bravely . . . to exhibit in discourse constancy of confession, in torture confidence in battle, in death that patience whereby we are crowned. De Unit. Eccl. c. 2: How can we possess immortality unless we keep his commandments. Wulstan of York, ap. Whelock, 487 : Let us always profess one true faith and love God with all our mind and might, and carefully keep his commandments and give to God that part of our substance, which by His grace we are able to give and earnestly avoid all evil, and act righteously to all others, *i. e.* behave to them as we would have others behave to us. He is a good Christian who observeth this. Cnut's Law, 30, A.D. 1018 : Let every man do all he possibly can for the honour of his Lord, both in word and deed, always with cheerfulness.

(234). Athanasius, ap. Gratian I. Dist. XVI. c. 12, says of the synod of Nicaea: It seemed good to the bishops filled with the Holy Ghost. Hormisdas, *Ibid.* I. Dist. IV. c. 58: In the 318 bishops [at Nicaea] we believe the Holy Ghost spoke. In Socrates I, 9, the synodal letter of the council ends : Pray that the decisions to which we have come may be inviolably maintained thro' Almighty God and our Lord Jesus Christ, together with the Holy Spirit. Concil. Lugdun. I. A.D. 517, Can. 6 : Those matters which have been treated of and determined by us by divine inspiration. Concil. Brac. II. A.D. 572: They indited canons by the mediation of the Holy Ghost. Concil. Tolet. VIII. A.D. 653, Can. 2, prays : Breathe on us O Holy Ghost.

(235). 1 Cor. VIII. 11 ; Concil. Chelsea, A.D. 787, Can. 6 : That the judgments of bishops which have been confirmed by us or our predecessors by a synodal decree be not infringed, but remain firm and irrefragible. Lynd. 38, 11 : He to whom a command is given is held under obligation to fulfil that command unless he has a just excuse. Cyprian De Unit. Eccl. c. 6 and Ep. 54 (Oxf. 59), 2, calls this upholding "the sacrament of unity."

(236). Iren. Haer. IV. 9, 3 : There is one salvation and one God, but the precepts which form the man are numerous, and the steps which lead man to God are not a few. Tertullian De Pudic. c. 6 ; Iren. IV. 20, 5 : It is not possible to live apart from life, and the means of life are found in fellowship with God; but fellowship with God is to know God and to enjoy His goodness.

the new life of faith (237). Hence sins are not confined to wrong actions, but include wrong intentions (238). Those which are done by persons responsible for their actions are called formal sins; those which are done without any intention to do wrong material or excusable sins (239), and those to which particular ages or classes of men are prone are called besetting sins (240). Formal sins are of two degrees (1) those which entirely interrupt the new life and introduce a state of enmity towards God called mortal sins (241); (2) those which mar but

(237). Rom. XIV. 23; Iren. IV. 39, 1: To obey God and to believe Him and keep His commandments, that is the life of man; not to obey God is evil, and this is death. Origen de Prin. I. 5, 7: Sin is swerving from rectitude and justice. Augustin ap. Gratian, Caus. XV. Qu. 1, c. 1: Sin is the wish to attain or retain that which right forbids.

(238). Tertullian De Poenit. c. 3: Every sin is matter of act or of thought. De Pudic. c. 6; Iren. II. 32, 1; Cyprian De Mortal. c. 17: In Cain the evil thought and intention were foreseen by a foreseeing God. Decret. Lib. V. Tit. XXXIX. c. 54: Evil deeds are distinguished by will and intention. Lynd. 236, 260: There must be a guilty mind to do a deed of guilt; 121: to constitute theft there must be animus furandi; 287, 322; Devoti Lib. II. Tit. II. § 2.

(239). Iren. IV. 31, 2: The daughters of Lot acted thus after their simplicity and ignorance . . . Wherefore they are to be held excusable. Gratian I. Dist. VI. c. 2: Every sin is completed by three steps [1] the bare suggestion; [2] the being pleased with the suggestion; [3] the consenting to the suggestion. The suggestion comes from the delight, the pleasure it creates from the flesh, the consent from the spirit. Augustin, *Ibid.* Caus. XXIII. Qu. IV. c. 23 and Caus. XXXIII. Qu. III. Dist. II. c. 21 and Dist. I. c. 71; Theodori Poenit. 1, VII. 4, A.D. 673, in Haddan & Stubbs, III. 182: It is a [simple] indulgence of evil thoughts when they are neither carried into execution nor assented to.

(240). Iren. Haer. II. 24, enumerates 5 ages in life, and Lynd. 303, enumerates the besetting sins of boys, old men, noblemen, legal men, mechanics and the poor.

(241). Gal. V. 19, mentions sins which exclude from inheriting the kingdom of heaven. Origen De Prin. I. 2, 4; contra Celsum I. 3; Iren. Haer. V. 27, 2: To as many as continue in love towards God does He grant communion with Him. But communion with God is life and light . . . But on as many as according to their own choice depart from God He inflicts that separation, which they have chosen of their own accord. But separation from God is death. Tertullian De Pudic. c. 2, distinguishes (1) sins which are remissible, and (2) sins which are irremissible. Augustin, ap.

do not interrupt the life of grace called venial sins. There are usually said to be seven mortal sins (242), viz. pride, envy, anger, indifference or accidia, covetousness, gluttony, luxury. The enumeration is not however uniform, nor has the term mortal sin always meant the same thing (243). In the earliest times only idolatry, murder and adultery were accounted mortal, in the sense that they altogether severed the soul from God (244). In subsequent times all those actions or habits of mind which tended to do so, including the entire offspring of the seven deadly sins (245) were called mortal, because

Gratian, Caus. XXXIII. Qu. III. Dist. I. c. 84 : When such a crime has been committed that he who has committed it is separated from the body of Christ. *Id. Ibid.* Dist. VII. c. 6 : Some sins there be which are sins unto death (mortalia), and in penance they become a source of life (vitalia). *Id. Ibid.* Dist. I. c. 8, calls them mortifera. *Ibid.* I. Dist. XXV. c. 3; capitalia, also Caus. XXII. Qu. I. c. 17 ; Prosper, *Ibid.* Dist. IV. c. 14 : He who recedes from Christ and ends his life alien from grace, how can he escape falling into perdition ? Cnut's Law 23, A.D. 1017. Const. 2, Edmund A.D. 1236, forbids a priest to execute the duties of his office whilst labouring under mortal sin. 13 Ed. I. St. IV. c. 1, A.D. 1285, mentions mortal sin. Const. 5, 8 and 9, Reynolds, A.D. 1322 ; Lynd. 60, 236, 334.

(242). Tertullian adv. Marcian IV. 9, enumerates 7 deadly sins, viz.: idolatry, blasphemy, murder, adultery, fornication, false witness, fraud. Isidor. ap. Gratian, Caus. XXXII. Qu. VII. c. 15, mentions septem vitia. Const. 9, Peckham, A.D. 1281. Lynd. 328.

(243). Gal. V. 19-21, enumerates 17, adding καὶ τὰ ὅμοια. Augustin, ap. Gratian I. Dist. XXV. Pars. 111, enumerates 12, viz.: sacrilege, murder, adultery, fornication, false-witness, theft, robbery, pride, hatred, avarice, and, if persisted in, anger and drunkenness. Cap. 31, Theodulf, A.D. 994, says there are 8 capital sins, viz. : gluttony, unlawful copulation, worldly grief, covetousness, vain glory, envy, anger, pride.

(244). Tertullian De Pudic. c. 5.

(245). Concil. Brac. II. A.D. 572, Can. 1, ap. Gratian, Caus. X. Qu. I. c. 12 ; Const. 9, Peckham, A.D. 1281 : (1) Pride is a love of one's own excellency from whence spring boasting, ostentation, hypocrisy, schism and the like ; (2) envy is the hatred of another's felicity from whence comes detractation, murmuring, dissension, perverse judgment and the like ; (3) anger is a desire of revenge and of hurt to another, which when it rests in the heart produces hatred, persecution in word and deed, blows, slaughter and the like ; (4) indifference [or carnal security, accidia] is a loathing of spiritual good, insomuch that a man delights not in God nor in divine praises, and

if indulged in they bring about a relation of enmity to God. Venial sins ([246]) and all shortcomings of omission or commission, which spring from natural inadvertence and to which the will does not consent, are forgiven in the daily prayer for forgiveness prescribed for the use of all who are in a state of grace ([247]).

31. The laws of the Church as laid down in the provincial constitutions of this country require all included in the Christian society to cultivate the three so-called theological virtues, viz. faith, hope and charity ([248]), and as a necessary means thereto to know the Creed and the Lord's Prayer ([249]); to pursue the four cardinal virtues ([250]), viz. prudence, justice, temperance

it is attended with laziness, cowardice, despair and the like; (5) covetousness is an immoderate love of plenty, whether in moveables or immoveables, and that either in getting or keeping them, from whence comes fraud, theft, sacrilege, simony and all filthy lucre; (6) gluttony is an immoderate love of the pleasures of taste in eating or drinking, and there are 5 ways of sinning in it, viz.: unseasonably, daintily, excessively, eagerly, and premeditatively .... (7) luxury needs no explanation whereof the stench infests the common air. Lynd. 60, 61, 282, 334, 174. Const. 9, Reynolds, A.D. 1322.

(246). Cyprian De Orat. Dom. 12: We have need of daily sanctification that we who daily fall away may wash out our sins by continual sanctification. And what the sanctification is the Apostle declares 1 Cor. VI. 9. Augustin ap. Gratian I, Dist. XXV. Pars. III. *Id.* Caus. XXXII. Qu. II. c. 3, calls immoderate license of the married a venial sin. Ambros. *Ibid.* Caus. XXXIII. Qu. III. Dist. III. c. 2: We ought always to bewail past sins, *i.e.* lesser shortcomings. Gregory Dial. *Ibid.* I. Dist. XXV. c. 4; Lynd. 226, says that omitting a psalm in service is venial. *Ibid.* 342.

(247). Augustin ap. Gratian I. Dist. VI. c. 1: Among the Jews venial sins were always remitted by ceremonies. *Id. Ibid.* I. Dist. XXV. c. 3 and Caus. XXXIII. Qu. III. Dist. III. c. 20: As to daily lighter and lesser shortcomings, without which this life cannot be led, the daily prayer of the faithful makes satisfaction. Lynd. 237.

(248). Concil. Clovesho. A.D. 747, Can. 20; Const. 9, Peckham, A.D. 1281; Lynd. 63.

(249). Can. 23 Elfric, A.D. 957; Edgar's Law 22, A.D. 960; Cap. 22 Theodulf, A.D. 994; Cnut's Law 22, A.D. 1017.

(250). Egbert's Dial. 16, A.D. 734; Concil. Ensham, A.D. 1009, Init. Const. 9 Peckham, A.D. 1281. Lynd. 63.

and fortitude (251); to exercise forgiveness and compassion by practising the seven spiritual and the seven corporal works of mercy (252); every Sunday and high day to join with the faithful in the solemn Eucharistic worship (253); to pray for themselves at least twice a day (254), and as often to confess their

(251). Origen De Prin. II. 5, 3, mentions justice, prudence, sobriety and all the other virtues. Alfred's Law, 1, A.D. 877; Cap. 21 and 35 Theodulf, A.D. 994; Const. 9 Peckham, A.D. 1281, requires the 10 commandments of the decalogue, the 2 precepts of the Gospel or of love to God and man, the 7 works of mercy, avoidance of the 7 capital sins with their progeny, the practice of the 7 principal virtues and the 7 sacraments of grace. As to the division of the decalogue see Lynd. 54, 55.

(252). Const. 9, Peckham, A.D. 1281: Six corporal works of mercy are manifest from St. Matthew's Gospel, viz.: to feed the hungry, to give drink to the thirsty, to entertain strangers, to clothe the naked, to visit the sick, to comfort the prisoner. The 7th is inferred from Tobit, which is to bury the bodies of the dead. Lynd. 60 enumerates the 7 spiritual works of mercy as teaching the ignorant and advising the doubting. (Gratian I. Dist. XLV. c. 9, and XLIII. c. 1), rebuking the erring (1 Dist. XLV. 15), forgiving injuries (Gratian I. Dist. L. c. 53), comforting the distressed (Caus. III. Qu. IX. c. 14), showing compassion (1 Dist. XLV. c. 15), praying for all (I. Dist. XXXVI. c. 3). They are commemorated in the line Consule, castiga, remitte, solare, fer, ora. Cap. 21, Theodulf, A.D. 994.

(253). Const. Islep, A.D. 1359, says at their parish church. Lynd. 54.

(254). Apost. Const. VII. 47, prescribes for morning prayer: Glory be to God in the highest and upon earth peace among men of goodwill. We praise Thee, we hymn Thee, we bless Thee, we glorify Thee by Thy great high Priest—Thee Who art the true God, Who art the One Unbegotten, the only inaccessible Being—for Thy great glory O Lord and heavenly King, O God the Father Almighty, O Lord God, the Father of Christ the immaculate Lamb Who taketh away the sin of the world, receive our prayer, Thou that sittest upon the Cherubim. For Thou only art holy, Thou only art the Lord Jesus, the Christ of the God of all created nature and our King, by Whom glory, honour and worship be to Thee. *Id.* 48 prescribes for evening use: Ye children praise the Lord, praise the name of the Lord. We praise Thee, we hymn Thee, we bless Thee for Thy great glory, O Lord our King, the Father of Christ, the immaculate Lamb, Who taketh away the sin of the world. Praise becomes Thee, hymns become Thee, glory becomes Thee, the God and Father through the Son in the most holy Spirit, for ever and ever, Amen. Now O Lord lettest Thou, &c. Conf. Polycarp's dying prayer in Euseb. IV. 15, Can. 23 Elfric, A.D. 957, Cap. 29 Theodulf, A.D. 994: Also ye shall admonish your

sins [255]; to assist at the processional litanies [256] on Wednesdays and Fridays [257], and also on Sundays and festivals[258], to submit themselves once a year for examination as to the fulfilment of these obligations [259], and to communicate at least thrice a year [260].

32. They also require them to honour and support those who

parishioners that they apply themselves to prayer. In this manner ye shall teach them to pray. First they shall sing Credo, since it is most proper that they shew the firmness of their right faith. And after he hath sung Credo let him say thrice : God, Thou art my Creator, have mercy on me, and thrice : God be merciful to me a sinner. After that let him sing Pater Noster, and after that, if he have place and leisure, let him first pray to St. Mary and the Holy Apostles and Martyrs, and all God's saints, that they would intercede for him to God ; and then, arming his forehead with the holy Rood token let him, with uplifted hands and eyes, give thanks to God for all that He has given him, both prosperity and adversity. If he have not leisure for the doing of it all in this manner, then let him say simply : God, Thou art my Creator, have mercy on me, and thrice, God be merciful to me a sinner, and then, with inward heart, let him say Pater Noster and sign himself.

(255). Cap. 30 Theodulf, A.D. 994.

(256). Can. 2 Athelstan, A.D. 1014, orders Litanies against the Danes. Litanies are said to have been first introduced in the West, A.D. 461, by Mamertus of Vienne (Gregor. Turon. Hist. II. 34, Palmer I. 270), probably in imitation of the Eastern Church. Gregory, A.D. 590, introduced the Litania Septena or Litania Major on 25 April, said by 7 groups of clergy, men, monks, virgins, married women, widows and children, each starting from a separate church and meeting at a principal church, which Concil. Clovesho. A.D. 747, Can. 11, adopted for this country. Alfred's Law 5, A.D. 877 ; Athelstan's Law 1, A.D. 926 ; Const. 35 Othobon, A.D. 1268.

(257). Const. Islep, A.D. 1359, prescribes two customary processions about Churches and Churchyards every week, for the peace of the Kingdom.

(258). Const. Bourchier, A.D. 1454, after the capture of Constantinople orders "that men celebrate processions on the Lord's day and festivals, and sing or say the Litanies with other suffrages as well as on Lord's days and festivals as on every Wednesday and Friday."

(259). Concil. Lat. IV. A.D. 1215, Can. 6 in Decret. Lib. V. Tit. XXXVIII. c. 12 ; Const. 3, Sudbury A.D. 1378.

(260). Const. 4, Sudbury A.D. 1378.

bear rule over them ([261]), the bishop as the high priest of God who stands to them in the place of Christ ([262]), the presbyters as those who watch for their souls ([263]), consecrated virgins and widows as the Church's altar of incense ([264]); to show outward respect for God by reverencing the sacred name ([265]), commemorating founders and builders of Churches ([266]), and not despising

(261). 1 Cor. IX. 14 : The Lord hath ordered that they who preach the Gospel should live of the Gospel. Apost. Const. II. 25 : Those who attend upon the Church ought to be maintained by the Church as being priests, Levites, presidents and ministers of God . . . Those which were then first-fruits and tithes and offerings and gifts, now are oblations which are presented by holy bishops to the Lord God thro' Jesus Christ, Who died for them. For these are your high-priests, as the presbyters are your priests and your deacons instead of Levites ; as are also your readers, your singers, your door-keepers, your deaconesses, your widows, your virgins and your orphans. But He Who is above all these is the High Priest . . . As yours is the burden, so you receive as your fruit the supply of food and other necessaries. Innocent III. in Decret. Lib. III. Tit. V. c. 16 ; Concil. Lat. IV. Can. 32 *Ibid.* Lib. III. Tit. V. c. 30.

(262). Apost. Const. II. 20 and 26 : Let the bishop preside over you as one honoured with the authority of God, which he is to exercise over clergy, and by which he is to govern all the people. Ambros. ap. Gratian, Caus. XXXIII. Qu. V. c. 19 : A woman ought to appear veiled as well before a bishop as a judge, because a bishop is the Lord's vicar.

(263). Heb. XIII. 17.

(264). Apost. Const. II. 26.

(265). Concil. Lugdun. II. A.D. 1274, in Sext. Lib. III. Tit. XXIII. c. 2: Whilst the sacred offices are being celebrated, whenever the glorious name of Jesus Christ is mentioned, let all bend the knees of their hearts, and attest the same by bowing the head. Concil. Vien. A.D. 1311, in Clem. Lib. III. Tit. XIV. c. 2 ; Lynd. 112, 184.

(266). This is the reason for the feast of the title. Concil. Clovesho, A.D. 747, Can. 17: That the birthday of the blessed pope Gregory and also the day of the deposition of St. Augustine, the archbishop and confessor, who being sent to the nation of the English by the said pope, our father Gregory, first brought the knowledge of faith, the sacrament of baptism, and the knowledge of the heavenly country . . . be honourably observed by all. Clement III. A.D. 1188, in Decret. Lib. III. Tit. XXXVIII. c. 25, secures to patrons the honor processionis or right to walk among the clergy. Concil. Tolet. IV. A.D. 633, Can. 37, ap. Gratian, Caus. XVI. Qu. VII. c. 30, and Leo IV. A.D. 850, *Ibid.* c. 29, secure to them support from the church in case of their falling into poverty. See Concil. Lat. IV. A.D. 1215, Can. 32, in Decret. Lib. III. Tit. V, c. 30.

offerings for the dead (267), kneeling (268), bowing (269), the use of incense (270), devotional lights (271) and the kiss of peace (272); and to give alms of their goods to their poorer brethren, as those who share with themselves the grace of life and are equally representatives of the person of Christ (273).

33. The obligation to keep God's commandments places on a higher platform the otherwise civil relations of (1) husband and wife, (2) master and man, (3) sovereign and people. The married relation is invested with a sacramental character. In the relation of master and man and on a larger scale in that of employer and employed, personal rights which are of human creation (274) are tempered by regard for the well-being of others, which is a divine injunction (275). The relation of sovereign and people

(267). Concil. Gangra, A.D. 355, ap. Gratian I. Dist. XXX. c. 9; Const. 8, Arundel, A.D. 1408.

(268). Kneeling was allowed on station days, Wednesdays and Fridays. Tertullian de Orat. c. 23: At fasts and stations no prayer should be made without kneeling; for then we are not only praying but deprecating wrath. On Sundays and from Easter to Pentecost kneeling is forbidden (except to penitents) by Concil. Nic. A.D. 325, Can. 20, ap. Gratian III. Dist. III. c. 10, Conf. 1 Dist. XXVI. c. 7 and Caus. VI. Qu. VII. c. 6.

(269). Const. 8, Arundel, A.D. 1408; Lynd. 298.

(270). Theodori Poenit. II. 1, 9, in Haddan & Stubbs, III. 191: Let the Lord's incense be burnt on the natal day of the saints out of respect for the day. Edgar's Law 43, A.D. 960, Lynd. 298.

(271). Theodori Poenit. II. 1, 8, *Ibid.* p. 197. Law 6 Alfred & Guthrum, A.D. 878; Concil. Ensham, A.D. 1009, Can. 12 and 13; Cnut's Law 12, A.D. 1017, require payment of light shot. Const. 8, Arundel, A.D. 1408; Lynd. 298.

(272). Const. 8, Arundel, A.D. 1408.

(273). Luke XIV. 13; XVIII. 22; Rom. XV. 26; 1 Cor. XIII. 3; Gal. II. 10; James III. 5; Ambros. ap. Gratian I. Dist. LXXXVI. c. 14; Cap. 34 Theodulf, A.D. 994: It is the duty of every man to give alms to them that are in want, yet more on the days on which we fast than on other days, Lynd. 209.

(274). Διδαχή I. 5. Augustin, ap. Gratian l, Dist. VIII. c. 1: By divine law the earth is the Lord's and the fulness thereof . . . By human law this is mine, that is thine. Clem. Recog. X. 5, and Pseudo-Isidor. *Ibid.* Caus. XII. Qu. I. c. 2: The use of all things which are in the world ought to be common to all men, but by means of iniquity one calls this his, another calls that.

(275). 1 Cor. X. 24, XIII. 5; Phil. II. 4. Theodori Poenit. II. IV. 1, A.D.

becomes an expression of God's government of the world, and thus human laws become God's commands.

34. The slave is not set free forthwith when such action would inflict injury on others (276), but the Christian slave is taught not to despise his master (277). Neither offenders (278) nor yet others of their own free will or in cases of necessity (279) are forbidden to be reduced to slavery, but Christian masters are bidden not to oppress their slaves (280), to regard them as brethren (281) and the Lord's freemen (282), to afford them

673, in Haddan & Stubbs III. 193: In baptism sins are released, but not the conjugal tie with a wife, since sons born before baptism, as well as those born after baptism, are equally the sons of the baptized.

(276). Gregory, in Decret. Lib. IV. Tit. V. c. 2, requires a slave who has been emancipated on condition that he would join a monastery, to do so or otherwise to return to slavery. See note 288.

(277). Eph. VI. 5, 1 Tim. VI. 1; Concil. Gangra, A.D. 355, Can. 3, ap. Gratian, Caus. XVII. Qu. IV. c. 37: If any one teaches the slave of another to despise his master because of religion, and not rather to serve him with all honour, let him be anathema. Apost. Const. IV. 12 and VIII. 32.

(278). Concil. Tolet. II. A.D. 531, Can. 3 mentions women-slaves, and requires a priest to hand over such to the charge of his mother or sister. Concil. Hispal. 1, A.D. 590, Can. 3 allows bishops to claim such slaves to their own use if the above rule were disobeyed. Theodori Pœnit. II. II. 5, A.D. 673, in Haddan & Stubbs III. 191: A bishop or an abbot may have a man convicted of crime as a slave if he have no means of redeeming himself. Concil. London, A.D. 1108, Can. 10: The bishop shall have their adulterous concubines [as slaves].

(279). Concil. Gall. A.D. 616, Can. 14: Freemen who have sold themselves may be redeemed for the same sum so soon as the money can be got together. Theodori Poenit. II. XIII. 1, l. c. p. 202: A father compelled by necessity may sell his boy as a slave before he is 7 years old, afterwards he may not do so without his consent.

(280). Concil. Tolet. III. A.D. 589, Can. 21, ap. Gratian, Caus. XII. Qu. II. c. 69 and 39.

(281). Elfric's Hom. I. 261: Christian men are brothers, whether high or low, noble or ignoble, lord or slave. The wealthy is not better on that account than the needy. As boldly may the slave call God his father as the king. We are all alike before God, unless any one excel another in good works.

(282). Col. IV. 1; 1 Cor. VII. 22; Eph. VI. 9.

opportunities for the discharge of their religious duties (283), to respect their persons (284) and their marriages (285), ever remembering that "to exercise pressure for the sake of gain and to seek to make a profit out of the needs of others is contrary to all law, human and divine" (286). At the same time the emancipation of slaves is encouraged (287), proper compensation being made for loss occasioned thereby (288). Formerly in this country all native-born Englishmen who had been awarded as slaves

(283). Alfred's Law 20, A.D. 877.

(284). Alfred's Law 13, A.D. 877, punishes violence done to a woman-slave.

(285). Concil. Cabilon. II. Can. 30, A.D. 813, ap. Gratian Caus. XXIX. Qu. II. c. 8 : We decree that the marriages of slaves be not dissolved, though they belong to different lords.

(286). Leo XIII's Encyclical, 1891, p. 13, 14.

(287). Concil. Aurel. IV. A.D. 541, Can. 30, requires the slaves of Jews who take refuge in churches to be bought free by raising a subscription and paying a reasonable price for them. Concil. Tolet. IV. A.D. 633, ap. Gratian, Caus. XII. Qu. II. c. 5 ; Concil. Matiscon 1. A.D. 581, Can. 16 ; Athelstan's Law 1, A.D. 925 : That ye set at liberty some one that for his crimes has been condemned to slavery for the mercies of Christ. Slaves were formerly emancipated in three ways : (1) by placing a penny in the slave's hand, which the prince struck out of it. See Devoti Inst. Lib. 1, Tit. 1, § 1. This was civil enfranchisement. Such freedmen were called denariales liberti or penny freedmen. (2) By giving the slave freedom at the altar. Concil. Carthag. V. A.D. 401, Can. 8, in Codex Eccles. Afr. 64 : Respecting the celebration of manumissions in churches, if our brother bishops in Italy are found to practise it, it will be our aim to follow faithfully their procedure (ordinem). Wihtraed's Doom, A.D. 696 : If a man give freedom to a slave at the altar. Instances at the altar of St. Petrock in Haddan & Stubbs, I. 676, in Exeter Cathedral, *Ibid.* I. 688, and Leofric's Missal LVIII. (3) The third mode of manumission was by will or instrument (per chartulam or per brevem). Such were called chartularii or tabularii. Concil. Araus. A.D. 441, Can. 7, mentions those set free in Church or by will. Concil. Hispal. I. A.D. 590, Can. 1, those set free by a bishop's will. Concil. Tolet. VI. A.D. 638, Can. 9, requires those emancipated by a bishop to produce their certificates before his successor. Concil. Tolet. IX. A.D. 655, Can. 11, dates their freedom from the bishop's death. Theodori Poenit. I. VII. 5, A.D. 673, in Haddan & Stubbs, III. 183 : Of those set free (de egressis) Theodore held the value of a man or woman to be equivalent to a year [of penance].

(288). Concil. Hispal. I. A.D. 590, Can. 1, allows a bishop's grants of emancipation to stand if he has left his property to the Church, but Concil.

to a bishop for some crime were required to be set free on his death; and every bishop and abbot in the province was on every such event required, at his own expense, to emancipate three of his own slaves and to provide them with an outfit (289). Freed slaves were, moreover, taken under the Church's protection (290), and runaway slaves not allowed to be given up to their masters until the latter had given security not to take their lives (291).

35. Since the powers that be are God's ministers (292)

Tolet. IV. A.D. 633, Can. 66, ap. Gratian, Caus. XII. Qu. II. c. 29, and Decret. Lib. III. Tit. XIII. c. 4: Let not bishops who have made no compensation to the Church of Christ out of their own property . . . . presume to set free slaves belonging to the estate of the Church. Concil. Emerit. A.D. 666, Can. 20, 21; Synod. VIII. A.D. 869, ap. Gratian I.; Dist. LIV. c. 22; Egbert's Excerpt. 70, A.D. 740.

(289). Concil. Chelsea, A.D. 816, Can. 2: When any bishop passes out of this world let . . . . . every Englishman [not therefore Britons] who has been made a slave to him in his days be set at liberty . . . . Afterwards let every prelate and abbot . . . . set at liberty 3 slaves and give 3 shillings to every one of them. Archbishop Elfric in his will, A.D. 1006, in Hist. Monast. de Abbendon, I. 417, 419, freed all who during his episcopate had lost their liberty.

(290). Concil. Araus. A.D. 441, Can. 7, ap. Gratian I. Dist. LXXXVII. c. 6. If any one should attempt to reduce to slavery those set free in Church or by will, let him be restrained by ecclesiastical animadversion. Concil. Aurel. V. A.D. 549, Can. 7, forbids those "who have been emancipated from serfdom by a patriotic custom in Church" to be again reduced to slavery. Concil. Matiscon II. A.D. 585, Can. 7; Concil. Agath. A.D. 506, Can. 29, *Ibid.* c. 7.

(291). Concil. Aurel. I. A.D. 511, Can. 3, ap. Gratian, Caus. XVII. Qu. IV. c. 36.

(292). Iren. IV. 8, 3: Every righteous King possesses a priestly order. Tertullian ad Scapulam, c. 2: To the emperor we render such reverential homage as is lawful for us and good for him, regarding him as the human being next to God, who from God has received all power and is only less than God. Augustin De Verit. Praed.: An emperor is not so much a vessel of mercy prepared in glory because he has reached the summit of earthly rule; as if he lives by right faith in the imperial estate . . . . if before all things he remembers that he is a son of holy mother the catholic Church, and causes his rule throughout the world to advance the peace and tranquillity of the Church.

set to administer divine justice upon earth (293), prayers are directed to be made for them in the Eucharist (294) and other public offices (295). Christian kings are, moreover, made the recipients of a special anointing (296), whereby the seal of ecclesiastical order is publicly impressed upon them (297), and they are allowed to convene and preside in councils (298). The Western emperor was formerly admitted a canon of the Lateran; to the

(293). Rom. XIII. 1-7. Iren. Haer. IV. 36, 6; V. 24, 2.

(294). Apost. Const. VIII. 12: gives the following order of intercessions after the consecration (1) for the whole Church, (2) the bishop and clergy, (3) the king and all in authority, (4) the saints of old, (5) the people present, (6) the whole place and the sick, (7) persecutors, (8) catechumens and penitents. 1 Tim. II. 2. In Socrates II. 37, the bishops at Rimini, A.D. 359, write to Constantius asking him to dismiss them "that we may be enabled in conjunction with the people to offer up our solemn prayers to Almighty God and our Lord and Saviour Jesus Christ for the prosperity of your reign as we have always done and now desire to do."

(295). Concil. Clovesho, A.D. 747, Can. 30: That ecclesiastics and monks in their canonical hours entreat the divine clemency not only for themselves but for kings, dukes and the safety of all Christian people. Elfric's Can. 20, A.D. 957; Edgar's Law, 67, A.D. 960: That every priest know to make answer when he fetches the chrism as to what he has done in relation to the prayers for the king and the bishop.

(296). Fulbert of Chartres ap. Gratian Caus. XXII. Qu. V. c. 19; Egbert's Pontif. p. 101; 33, Ed. III. Aide de Roy, 103, declares it a maxim of English law, Reges sancto oleo uncti sunt spiritualis jurisdictionis capaces. Maskell's Mon. Rit. II. p. 23. Wordsworth's Coronation of Charles I, p. xx.

(297). Gildas 82, A.D. 570, relates that the kings who reigned in Britain were accustomed to receive the royal unction. Cumineus Vit. Columbae, p. 30. Saxon Chronicle, A.D. 785, says: Egferth was hallowed to be king. Turner III. 172, gives the form used at the coronation of Ethelred in 978 A.D. Lingard II. 368, believes that the Franks adopted the practice of anointing from the Northumbrians. It was used in 751 A.D. when Boniface crowned the mayor of the palace in place of Childeric, and also when Charles was crowned at Rome, A.D. 800. Concil. Chelsea, A.D. 787, Can. 12: That in ordaining kings none permit the votes of wicked men to prevail, but let kings be lawfully chosen . . . He who is not born in lawful wedlock cannot be the Lord's anointed King of the whole Kingdom. Innocent III. A.D. 1204, to the Duke of Carinthia in Decret. Lib. I. Tit. VI. c. 34, and Tit. XV. § 6.

(298). Leofric Missal, 249, provides a prayer for the king in synod.

Eastern emperor a place was allotted within the sanctuary (299). The English sovereign is constituted a prebendary of St. David's and besides the sword of temporal justice receives also at his coronation the sword of spiritual justice and the blunted sword of mercy. In this country, in consequence, as well as in France and Spain, certain powers of dispensation are recognised as belonging to the sovereign (300).

(299). Teaching of the Apostles, Can. 25: That those kings who shall hereafter believe in Christ shall be permitted to go up and stand before the altar with the Guides [*i.e.* bishops] of the Church, because David also went up and stood before the altar. Syn. Trull. A.D. 692, Can. 69.

(300). Concil. Barcin. II. A.D. 599, Can. 3, speaks of laymer being made bishops contrary to the canons, per sacra regalia, or by the will of the people. Concil. Tolet. V. A.D. 636, Can. 8: In all the aforesaid matters we reserve the power of indulgence in the faults of delinquents to the prince. Alfred's Law, 6, A.D. 877: If a man take a nun out of a monastery without the leave of the king or the bishop.

III.

THE EUCHARIST.

The Eucharist as a Sacramental Oblation.

1. The most noble sacrament of all is the Holy Eucharist (1) or thanksgiving sacrament of the Gospel, in which, by means of visible signs, the faithful offer themselves to God as a united body (2), a pure offering (3), the mystical Body of Christ, in order to participate as such in the heavenly offering continually being pleaded by the great High Priest before His Father (4). It is variously called the sacrament of the altar (5), the communion of the Body and Blood of Christ (6), the offering or oblation (προσφορά) (7), the commemoration (8), the sacri-

(1). Ign. ad Phil. c. 4; Justin I. Apol. c. 67. Origen contra Cels. VIII. 67: The bread which is called the Eucharist is a sacramental sign of our thanksgiving to God. Bona Rer. Lit. Lib. I.: The Eucharist is the representation of that offering wherein Christ offered Himself to the Father.

(2). Rom. XII. 1; Augustin. Serm. 271. See below notes 45 and 17. Freeman's Principles of Divine Service, I. 175, 209; II. 176, 190, 439.

(3). Iren. IV. 18, 1: The oblation of the Church is accounted with God a pure sacrifice. *Ibid.* IV. 18, 4: The Church alone offers this pure oblation; *Ibid.* V. 9, 2.

(4). Heb. VII. 25. Hieronym. ap. Gratian III. Dist. II. c. 89: The Priest of God the Father is the Son of God, not according to His divine but according to His human nature, in which He offered Himself for us by means of His passion and death an acceptable Sacrifice to God, that He might be at once both Priest and Sacrifice.

(5.) Augustin De Civ. Dei, X. 6; 1 Ed. VI. c. 1. Bona Lib. I. c. 3 § 1.

(6). 1 Cor. X. 16; Concil. Elib. A.D. 305, Can. 3: Placuit eis non ulterius dandam esse communionem.

(7). Iren. Haer. IV. 17, 5: Christ taught the new oblation of the new covenant which the Church receiving from the apostles offers to God throughout the world. It is termed προσφορά by Concil. Nic. A.D. 325, Can. 18; Apost. Const. VIII. 13; Ambros. ap. Gratian III. Dist. II. c. 53; Augustin, *Ibid.* c. 26; Concil. Brac. III. A.D. 675, *Ibid.* c. 7; Cap. 5 Theodulf, A.D. 994.

(8). Paschasius ap. Gratian III. Dist. II. c. 71.

fice (9), in common parlance the housel (10), and, using the most comprehensive term, the Lord's Supper (11); but the term Lord's Supper properly includes not only the Eucharist but also the agape or common meal, which in former times accompanied it (12) and is now represented by the benediction bread and wine or antidoron (13). In the Eucharist itself there are two parts: (1) the sacramental oblation or representative commemoration before God of Christ's sufferings in accomplishing the work of man's deliverance (14); and (2) the

(9). Augustin. De Civ. Dei, x. 6: Sacrifice is anything which is done in order to unite us to God in holy fellowship. Origen cont. Celsum, I. 21, speaks of "offering up continually bloodless sacrifices with prayer to God." Cyprian, Ep. 62 (Oxf. 63), 1: Christ is the Founder and Teacher of this Sacrifice. Chrysostom. Hom. in S. Eustach.: There is also an unbloody Sacrifice . . . seeing that the sacrifice of Isaac was completed without blood. Cyril ap. Gratian III. Dist. II. c. 80, calls it an unbloody service of sacrifice. Apost. Const. II. 57; Pseudo-Gregory, *Ibid.* Can. I. Qu. I. c. 84; Theodori Poenit. I. XII. in H. & S. III. 186; Const. 1 Peckham, A.D. 1281. Liebermann, Inst. Theol. VI. 385, observes that he who gives, not he who consecrates, makes the sacrifice.

(10). Hunsl is used in Ulfilas' Gothic Testament to express (1) θυσία or sacrificial victim in Matth. IX. 13; Mark IX. 49; Luke II. 24; 1 Cor. X. 18; (2) προσφορά or offering in Eph. V. 2; (3) λατρεία or service in John XVI. 2.

(11). 1 Cor. x. 21, 22. Bona I. 3 gives as other names, Synaxis or Collecta, Liturgia, Mystagogia, Telete, Anaphora, Œconomia, Agenda, Dominicum. Freeman II. 438, observes that whatever foreign reformers may have used the Lord's Supper to express, by English reformers it was used to express the sacrificial oblation distinct from communion.

(12). In the Roman Empire the Christians are said to have discontinued the agape after Trajan's rescript to Pliny x. 97, in A.D. 112. See Lightfoot; and Ramsay Church in the Roman Empire, p. 206, 219, 358.

(13). Ignat. ad Smyrn. c. 8: Without the bishop it is not lawful to baptize or to celebrate the agape. Cyprian Ep. 62, 16 ad Caecilium: Numquid Dominicum post cœnam celebrare debemus? Concil. Carthag. III. A.D. 397, Can. 29.

(14). Justin Trypho, 41: Our Lord Jesus Christ prescribed the celebration of the Eucharist in remembrance of the suffering which He endured on behalf of those who are purified in soul from all iniquity, in order that we may at the same time thank God for having created the world . . . and for delivering us from the evil [plight] in which we were, and for utterly overthrowing principalities and powers.

sacrificial communion or means of increasing the divine life by worthily partaking of the same (15).

2. The essentials of the Eucharist are bread and wine as the remote matter, the offering of them as the proximate matter, and the prayer that the offering may be accepted in Heaven in accordance with Christ's institution as the form (16). The materials which are thus honoured should be properly prepared, the bread from flour and water to represent the offerers united among themselves (17), the wine a mixture of wine and water to

(15). Prosper ap. Gratian III. Dist. II. c. 37; Leo *Ibid.* c. 38.

(16). Justin 1 Apol. c. 66, A.D. 140, speaks of the food which is blessed in the Eucharist (ἡ εὐχαριστηθεῖσα τροφή) by the prayer of the word delivered by Him (λόγου τοῦ παρ̕ αὐτοῦ). Origen contra Celsum, VIII. 33: We give thanks to the Creator of all and eat the loaves which are presented with thanksgiving and prayer; which have become by prayer a Holy Body sanctifying those who partake thereof with sincerity. It has been usual since the 13th century to say that the form is the recital of Christ's words of institution; and Synod. Exon. A.D. 1287, in Wilkins II. 132, states that Hoc est enim Corpus Meum and Hic est Calix, etc. are the effective words after which the elements are no longer Bread and Wine. Yet it is admitted that these words are not effective unless used with intention, which presupposes the antecedent and subsequent prayer. Moreover, the Liturgy of Addai and Mari does not contain the words of institution (Duchêsne 172), but has only the commemoration of Christ's life upon earth and an invocation of the Holy Spirit to hallow the elements. It therefore appears that the prayer is the consecrating form and that the words This is My Body &c. merely determine the moment when the prayer takes effect.

(17). Cyprian Ep. 62, 13: The body of the Lord cannot be flour alone or water alone, but both must be united and joined together; in which visible representation (sacramento) our people are shown to be a united body. Διδαχή IX. 4: As this broken bread was scattered upon the mountains and gathered together became one, so let Thy Church be gathered together from the ends of the earth. Cyprian Ep. 75 (Oxf. 69), 6. Augustin. Serm. 229: After that you came to the water and were moistened and made into one. The heat of the Holy Ghost was added and you were baked and became the Lord's bread. Amalarius De Eccl. Offic. III. 19: The offering is not meal without water . . . It represents a united people. Walafrid Strabo A.D. 849, c. 16: Nothing is more suited than bread and wine to signify the unity of the Head and members, because as the bread is made from many grains and reduced to one body by the glue of water, so the body of Christ is made up of the united multitude of the saints. Honorius of Autun, A.D. 1111, Gemma Animae I. 66: Formerly presbyters used to

represent the people united to Christ ([18]); the flour pure wheaten flour ([19]). The bread should be either leavened or unleavened ([20]),

receive meal from every house or family (which custom the Greeks still observe) and made from it the Lord's Bread which they offered for the people and distributed to them when consecrated. See note 45.

(18). Justin Martyr, 1 Apol. 67: Bread and a mixed cup (κρᾶμα) are brought to the president. Iren. IV. 33, 2: Christ affirmed the mixed cup to be His blood; v. 1, 3: The Ebionites reject the mixed cup of the heavenly wine; v. 36, 3: The Lord promised that He would have the mixed cup new with His disciples. Cyprian Ep. 62 (Oxf. 63), 9 ad Cæcilium A.D. 254, ap. Gratian III. Dist. II. c. 2: The cup which is offered should be a mixed cup, c. 13: In the water is understood the people, but in the wine is shewed the blood of Christ. Clem. Alex. Paedag. II. c. 2, gives another meaning. Concil. Carthag. III. Can. 24, *Ibid.* c. 5; Concil. Martini, A.D. 572, Can. 55, *Ibid.* c. 4; Concil. Aurel. IV. A.D. 541, Can. 4: the fruit of the vine mixed with water. Concil. Autissiodor. A.D. 578, Can. 8; Elfric's Can. 37, A.D. 957: Let him always mingle water with the wine, for the wine betokeneth our redemption thro' Christ's blood and the water betokeneth the people for whom He suffered." The same reason for mixing is given by Ambros. ap. Gratian III. Dist. II. c. 83, and by Concil. Brac. III. A.D. 675, *Ibid.* c. 7. Edgar's Law 39, A.D. 960; Concil. Winton, A.D. 1071, Can. 6; Concil. Ebor. A.D. 1195, Can. 1. Devoti Inst. Lib. II. Tit. II. § 45, states that mixing is not essential, altho' it has ever been practised in both East and West. The 9th century Ordo ap. Duchêsne, p. 445, requires the mixing to be solemnly done by the deacon. In the Eastern Church it is solemnly done at a previous service. In private masses in the West the mixing took place beforehand, or at any time before the Gospel, and the usual time was during the Gradual. The modern Roman rule requires the mixing to be done by a priest and forbids it to be done by an assistant. Craisson § 3685.

(19). Baeda, II. 6, relates that Saba's sons asked bishop Mellitus of London to give them the fine white bread (nitidum panem) which he gave to their father Saba. Concil. Tolet. XVI. A.D. 694, Can. 6, censures priests for using any bread that comes to hand, and not bread specially baked for the purpose.

(20). The Eastern Church always consecrated leavened bread. According to Mabillon unleavened bread was always used in the West. Cochleus Revision of Isidore's Mozarabic Rite c. 16, De Symbolo mentions unleavened bread. Bona Rer. Lit. Lib. I. c. 23, and Sirmond hold that up to the year 867 A.D. leavened and unleavened bread were used indiscriminately but that unleavened bread became the rule by 1054 A.D. Devoti Inst. Lib. II. Tit. II. § 44, Chambers Divine Worship, p. 236. Alcuin Op. I. 107, Ep. 75, prescribes unleavened bread. Anselm Op. I. 200 gives as the reason that it ought to be free from the leaven of malice and wickedness. Concil.

baked with care ([21]), and consisting of whole ([22]) circular ([23]) loaves; the wine the pure juice of the grape ([24]), properly made and not freshly squeezed ([25]), nor yet acid ([26]), and the added water should not be so much as to drown the

Floren. A.D. 1439, directed each branch of the Church to follow its own custom.

(21). Concil. Tolet. XVI. Can. 6; Can. 5, Theodulf A.D. 994: That the oblation be either baked by yourself or by your servant in your presence." The breads in baking were pressed between two irons called a bult, ferroni or ferramentum or singing-irons because psalms were sung whilst they were being used. Gilbert, bishop of Limerick, A.D. 1100, requires every priest to have his box of altar-breads and baking-irons. William of Bleys, A.D. 1229, in Wilkins I. 623 enjoins the ministers of the Church wearing surplices to make the altar-breads in an honourable place. The instruments might be smeared with wax but not with oil or grease. Peter Quivil of Exeter, A.D. 1287, in Wilkins II. 131. William Russell, bishop of Sodor, A.D. 1350, *Ibid.* III. 10, says:

Candida, triticea, tenuis, non magna, rotunda
Expers fermenti, non mista sit hostia Christi,
Inscribatur, aquâ non cocta, sed igne sit assa.

In the Assyrian Church the bread is baked by the priest and deacon whilst the others say morning prayer.

(22). Concil. Chelsea, A.D. 787, Can. 10: Let bread be offered by the faithful, not crusts. Concil. Tolet. XVI. A.D. 694, Can. 6 forbids the offering of crustulam in rotunditate. The oblation-loaves were called oblatae (sc. hostiae) contracted into obleæ or ubbles and had marks impressed upon them XPG or IHG, as is now done in the Eastern church. Lingard's Anglo Saxon Church, I. 292, Bridgett. I. 170.

(23). Epiphanius, Gregory Nazianzen, Gregory I. quoted in Devoti Inst. Lib. II. Tit. II. § 45. Concil. Arelat. V. A.D. 554, Can. 1 requires the oblatæ used in the province to adopt the form of those used in the metropolitan church of Arles. Devoti, § 45, states that modern use is to consecrate a number of wafer-breads of the size of a penny for communicants called particles, and one larger one for the priest for the fraction.

(24). Concil. Carthag. III. A.D. 397, Can. 24 ap. Gratian III. Dist. I. c. 3; Edgar's Law 39, A.D. 960.

(25). Concil. Brac. III. A.D. 675, *Ibid.* III. Dist. II. c. 7 adds because it is altogether a mistake unless it is absolutely necessary.

(26). Egbert's Excerpt. 98, A.D. 740: Let the priests take care that the bread and wine and water be pure and sweet. If they do otherwise they shall be punished with them who offered to our Lord vinegar mixed with gall. Liguori Lib. VI. 206; Craisson § 3367.

wine ([27]). Neither water alone ([28]), nor ale ([29]), nor mead ([30]), nor milk ([31]), nor water flavoured with must ([32]) are allowed as substitutes; and both bread and wine must be offered together ([33]). Oil and frankincense ([34]) may also be offered, and in their season bunches of grapes ([35]) and ears of wheat, also milk and honey at Easter ([36]), but nothing else ([37]).

3. The offering itself is three fold ([38]): (1) The offering made

(27). Concil. Tribur. A.D. 895, Can. 19, says one part of water to two of wine. Alexander III. to archbishop of Upsala, A.D. 1180, in Decret. Lib. III. Tit. XLI. c. 13, says the quantity of water ought to be less than the quantity of wine. Concil. Sodor and Man, in Wilkins III. 11, A.D. 1350: Let water be added in such moderate quantity that the wine is not drowned in the water but the water in the wine.

(28). Apost. Const. VIII. 51; Apost. Can. 2; Cyprian Ep. 62 ad Cæcilium. Those who used water only were called Hydroparastatæ or Aquarii in early times. Law 16, Northumbrian priests A.D. 950. Lynd. 226, says that if a priest cannot drink wine he can neither celebrate nor undertake a cure of souls.

(29). Apost. Can. 2; Concil. Winton. A.D. 1071, Can. 6.

(30). Concil. Autissiodor. A.D. 578, Can. 8.

(31). Concil. Brac. III. A.D. 675, ap. Gratian III. Dist. II. c. 7. Concil. Trull. A.D. 692, Can. 57.

(32). Concil. Brac. l. c. says that some reserve a linen cloth soaked in must for a whole year, and at the time of the sacrifice rinse a part of it in water for use.

(33). Concil. Araus. A.D. 441, Can. 17: The cup must be offered together with the box of breads and be consecrated with the mixture proper for the Eucharist. Craisson § 3386. Thomas Aquin. Qu. 80, art. 12: In consecration the representation of the Lord's Passion is set forth. Therefore the Body cannot be consecrated without the Blood. Maskell's Ancient Liturgy 136.

(34). Apost. Can. 2.

(35). But this is forbidden by Concil. Trull. A.D. 692, Can. 28.

(36). This is forbidden by Concil. Trull. A.D. 692, Can. 57.

(37). Apost. Can. 2: If any bishop or presbyter otherwise than our Lord has ordained concerning the sacrifice offer other things at the altar as honey, milk or strong beer instead of wine, any necessaries or birds or animals or pulse otherwise than is ordained let him be deprived, excepting grains of new corn or ears of wheat or bunches of grapes in their season. For it is not lawful to offer anything besides these at the altar, and oil for the holy lamp and incense in the time of the divine oblation. Concil. Carthag. III. Can. 24; Concil. Brac. III. l. c.

(38). Irenaeus Fragment in ante-Nicene Library, IX. 176: For [1] we make an offering to God of the bread and the cup of blessing, giving Him

by the faithful to God of His own gifts the visible creatures of bread and wine or corn and grapes (39) in thanksgiving for His having caused the earth to produce them for the support of life (40). This is termed the offertory and the materials offered are termed sacrifices (41) or eulogies (42). (2) The common offering or corporate presentation of a selection from these materials mystically prepared so as to represent (43)

thanks that He has commanded the earth to bring forth these fruits for our nourishment. And then [2] when we have perfected the oblation [3] we invoke the Holy Spirit that He may exhibit this Sacrifice both the bread the Body of Christ, and the cup the Blood of Christ, in order that the receivers of these antitypes may obtain remission of sins and life eternal.

(39). That in some places the people regularly offered corn and grapes, out of which the deacon prepared the bread and wine, seems to be implied in Διδαχή, IX. 4, Cyprian Ep. 75, 6, quoted note 62. Ignat. Rom. c. 4 quoted by Iren. V. 28, 4: I am the grain of God and am ground by the wild beasts' teeth that I may become the bread of Christ. Also V. 2, 3, quoted note 51. Augustin De Civ. Dei, XVI. 37: Christ's is the multitude of corn and wine, *i. e.* the multitude which corn and wine gathers in the sacramental representation of His Body and Blood.

(40). Tertullian De Cast. c. 7, speaks of laymen offering in this sense. Justin adv. Trypho. 28, 117. Iren. Haer. IV. 18.

(41). Justin, Trypho, 41, 46: He speaks of those Gentiles who in every place offer sacrifices to him, *i. e.* the bread of the Eucharist. Tertullian De Vest. Femin. II. 11; Cyprian De Orat. Dom. c. 4: When [illegible] ebrate divine sacrifices with God's priest. *Id.* De Op. et Eleemos. [illegible] are wealthy and rich, and you believe you celebrate the Euch[illegible] [illegible] a sacrifice, and take part of the sacrifice which the poor has off[illegible] [illegible]en contra Cels. VIII. 21, calls them bloodless sacrifices. Apost. C[illegible]: After this let the sacrifice (*i. e.* the offertory) follow, the peop[illegible] and praying silently. Isidor. De Offic. c. 28: Two things are [illegible] God, viz.: gifts and sacrifices. Gift is whatever is given in gold an[illegible] sacrifice is the victim, and whatever is consumed or placed on th[illegible] *Ibid.* c. 15: Ordo missæ vel orationum quibus oblata Deo sacrificia [illegible]crantur.

(42). Apost. Const. VIII. 34.

(43). Gal. III. 1: Before whose eyes Jesus Christ hath been set forth crucified among you. Cyprian Ep. 62 (Oxf. 63), 4: In the priest Melchizedeck we see prefigured the sacramental representation of the sacrifice of the Lord; c. 14: If Jesus Christ is Himself the Chief Priest of God the Father and Himself first offered Himself a Sacrifice to His Father . . .

that Body in which Christ by His obedience cancelled man's disobedience (44) and in which the faithful are presented to God together with Him (45). This is termed the presentation of the sacrament (46), the sacrifice (47), the offering the bread of propitiation (48), or the commemoration (49). And (3) the heavenly offering or carrying of the earthly commemoration by the Angel to the altar on high, and its presentation there by the great High Priest (50), whereby the sacramental signs become the

surely that priest truly performs Christ's delegacy who imitates that which Christ did. Augustin in Ps. 40, 6, and Heb. x. 5. Tertullian adv. Marcion III. 19; IV. 40: He makes it His Body by saying, This is my Body, *i. e.* the figure of My Body. A figure these could not be unless these were first a veritable body. The Roman Canon of A.D. 400, ap. Duchêsne p. 170, calls this offering, Figura Corporis et Sanguinis Jesu Christi. Apost. Const. v. 13, calls these eulogies the antitypal mysteries of His precious Body and Blood; VI. 30: Offer the acceptable Eucharist the representation of the royal Body of Christ. Innocent ap. Gratian III. Dist. I. c. 73. Theodoret. Dial. II.

(44). Iren. Haer. v. 17, 1: The Lord has restored us into friendship through His incarnation having become the Mediator between God and man, propitiating for us the Father against Whom we had sinned, and cancelling our disobedience by His own obedience.

(45). Iren. v. 20 and 21: Christ summed up all mankind in himself. Augustin De Civit. Dei, x. 6: Whereby most truly the whole redeemed community, *i. e.* the congregation and society of the saints are offered to God as a universal sacrifice by the Great High Priest, Who in His passion offered Himself for us, that we might be the Body of so great a Head . . . This is the sacrifice of Christians, for we, being many, are one Body in Christ. Which even now the Church reproduces in the sacrament of the altar known to the faithful that it may be shewn to it that in that which it offers it is itself offered. *Ibid.* x. 20; XVII. 20; XXII. 10.

(46). Concil. Araus. A.D. 441, Can. 17: Propositio sacramenti. Hence Theodori Poenit. I. XII. 3, in Haddon & Stubbs, III. 186, calls it panis propositionis. Also Isidor. Pelus. A.D. 410, Lib. I. Ep. 123.

(47). Iren. IV. 18, 1: The oblation of the Church . . . offered throughout the world is accounted with God a pure sacrifice. *Id.* IV. 17, 5; Concil. Tolet. 1, A.D. 400, Can. 5, speaks of the daily sacrifice of the Church. Const. 2 Peckham A.D. 1281: Christ does not operate in the Sacrifice according to His immense plenitude.

(48). Concil. Tolet. XIII. A.D. 683, Can. 10.

(49). Paschal ap. Gratian III. Dist. II. c. 7.

(50). 1 Clem. 36: Christ is the High Priest of our oblations. Iren.

true Body and Blood of Christ (51). This is termed the con-

Haer. IV. 18, 6: It is His will that we should offer a gift at the altar . . . The altar then is in heaven (for towards that place are our prayers and oblations directed), the temple likewise. Origen contra Celsum VIII. 26: It is our duty . . . to ask the Only begotten as our High Priest to present the prayers which ascend to Him from us to His God and our God. The Roman Canon, A.D. 400, ap. Duchêsne 170: Command these things to be carried by the hand of thy Angels to the altar on high as Thou didst vouchsafe to receive the gifts of Thy holy servant Abel, and the sacrifice of our patriarch Abraham, and the offering of the supreme priest Melchizedeck. Mozarabic Missal: Be present Jesu Thou good High Priest in our midst as Thou wast present in the midst of Thy disciples; and hallow this oblation that we may receive hallowed things by the hand of Thy holy Angel. Hieronym, ap. Gratian III. Dist. II. c. 89: The Priest of God the Father is the Son of God, not according to the divine, but according to His human nature in which He offered Himself by means of His passion that he might be at once both Priest and Sacrifice.

(51). Ignat. ad Smyrn. c. 4: [Separatists] see not the Eucharist to be the Flesh of our Saviour Jesus Christ. *Id.* ad Ephes. 20, calls it the medicine of immortality. Justin Martyr. 1 Apol. 66: Not as common bread and common drink do we receive these; but as Jesus Christ having been made flesh by the Word of God had flesh and blood for our salvation, so likewise the food which is blessed by the prayer of His word, and from which our flesh and blood by transmutation are nourished is the Flesh and Blood of that Jesus Who was made flesh. Iren. Haer. IV. 18, 4: The bread over which thanks have been given is the Body of our Lord; and V. 2, 3: The corn . . . . having received the Word of God becomes the Eucharist, which is the Body and Blood of Christ. Ambros. ap. Gratian III. Dist. II. c. 41: Before the blessing of the heavenly words it is called an outward sign (species), after the benediction the Body is therein present (significatur). *Ibid.* c. 55: Before the sacramental words, ordinary bread lies on the altar; when the words of consecration are added, out of bread it becomes the Flesh of Christ. *Ibid.* c. 56, 19 and 91; Augustin. *Ibid.* c. 61: Not all bread but that which receives Christ's blessing becomes the Body of Christ. *Ibid.* c. 41, 45, 46, 51, 58, 60, 61, 72, 92. Hieronym. *Ibid.* c. 49, 87, 88; Hilarius *Ibid.* c. 79 and 82; Berengar. *Ibid.* c. 42. Ambros. *Ibid.* 6, 67 and Cans. XVI. Qu. I. c. 21: They who live of the altar transform bread and wine by means of the immaculate benediction into the Body and Blood of our Lord Jesus Christ. Chrysostom Hom. 1, On the betrayal of Judas: It is not man who causes the oblation to become the Body and Blood of Christ, but Christ Himself, Who was crucified for us. The priest representing Christ stands and pronounces the words, but the power and the grace are from God. This is My Body He says. This word transforms the oblations.

formation of the sacrament (52) or the hallowing of the oblation(53), and is effected by the power of the Holy Ghost (54) upon the invocation of the presbyters (55). In the East the power of the Holy Ghost is sacramentally imparted to the bread by anointing it with holy oil.

4. Out of respect for so great a mystery (56) in which, through the door of Christ's humanity (57), the faithful obtain access into the presence of God, the Eucharistic celebration has ever

And just as the words Increase and multiply and fill the earth were once spoken, but throughout all time give to human nature the power of generation, so also the words This is My Body once pronounced produce a perfect Sacrifice at each table in the Churches from that day to this, and from now to our Lord's second coming. Ambros. De iis qui myst. init. c. 11 : If human benediction is able to change the nature, what shall we say of the divine consecration in which the words of our Saviour take effect.

(52). Isidor. De Eccl. Offic. I. 13.

(53). Stat. Eccl. Ant. A.D. 505, Can. 33.

(54). John XIV. 16, 18, 23 ; VI. 63 : It is the Spirit that quickeneth ; Iren. V. 36, 2 : The presbyters, the disciples of the apostles affirm that they ascend through the Spirit to the Son and through the Son to the Father. IV. 18, 5 : The bread which is of the earth having received the invocation of God is no longer bread but the Eucharist. Hippolyt. in Prov. therefore calls the Spirit "the Mother of Christ." Gelasius, A.D. 494, ap. Gratian, Caus. I. Qu. I. c. 92 : How shall the Holy Spirit when invoked come to the consecration of the divine mystery if the priest who prays Him to be present full of criminous thoughts is repugnant to Him." Isidor. De Off. I. 18,4: The sacrifices become the sacrament by the invisible action of the Holy Spirit. Baeda Hom. in Epiph. 175 : The creature of bread and wine is transformed into the sacramental sign (sacramentum) of Christ's Flesh and Blood by the ineffable hallowing of the Spirit. Elfric's Hom. in die Pasch. p. 4-7 : Great is the difference between the invisible might of the holy Housel and the visible appearance of its own nature. By nature it is corruptible bread and wine, but by the power of the divine Word it is in sooth Christ's Body and Blood. Iren. V. 2, 3: When the mixed cup and the prepared bread receive the Word of God, the Eucharist becomes the Body of Christ. Muratori Liturgia I. 247.

(55). Iren. Haer. I. 13 ; Hippolyt. Haer. VI. 34.

(56). Isidor. ap. Gratian, Caus. I. Qu. I. c. 84, calls it a sacramental representation (mysterium) because it has a secret and hidden meaning (dispensatio). Gelasius, *Ibid.* c. 92.

(57). John x. 9 ; Heb. x. 10.

been surrounded with most particular regulations extending (1) to the persons of those who are allowed to offer, (2) to the external necessaries and observances in offering, and (3) to the special times and modes of offering. It is, however, a moot point whether the worship described by St. John, as seen by himself in a vision on the Lord's day when cut off from his people on the lonely island of Patmos, upon which these regulations are founded, represents the worship of the Church as then practised, idealized for heavenly use, or whether it gives a glimpse of heavenly worship held up for the imitation of the Church upon earth ([58]).

5. All the faithful are privileged to offer, either directly at the solemn Eucharist, or indirectly at the ordinary public Eucharist "ubbles" of bread and cruets of wine every Sunday ([59]). These offerings or eulogies appear in early days sometimes to

(58). The Ancient of days like to a man is represented as seated on a chair in the midst with 24 presbyters around him (Rev. I. 13 ; IV. 2, 3, 4). White vestments, 7 candlesticks, an altar and incense and a sealed book are there (I. 12 ; IV. 4 ; V. 8 ; VIII. 3). Before the chair and in the midst of the presbyters is a Lamb slain and under the altar souls of martyrs (V. 6, 8 ; VI. 9). Angels or deacons are about and an innumerable company of the elect singing praises to God and to the Lamb (V. 11, 12 ; VII. 9, 10).

(59). Concil. Matiscon II. A.D. 585, Can. 4 : Let an oblation of bread and wine be offered by all, both men and women every Sunday. Theodori Poenit. II. VII. 4, in Haddan and Stubbs, III. 196. A woman may make oblations according to the Greeks but not according to the Romans. Bona Lib. II. c. 9, § 1, quotes an old Ordo Romanus found in Muratori, I. p. 991 : Whilst the singers sing the people make their offerings, *i.e.* bread and wine, and they offer on white napkins (fanones) first men, then women ; last of all priests and deacons offer. From this and from the 9th century Ordo ap. Duchêsne, p. 442, it appears that women then made offerings at Rome. Walafrid Strabo, A.D. 849, c. 22: Some offer inordinately who valuing oblations by their number constantly offer at masses at which they decline to assist. Hincmar, A.D. 852, c. 16, 2, forbids any one to offer more than "one oblation-loaf (oblata) for himself and his family," and directs all other gifts to be made after service. Maldonatus De Caer. Diss. II. § 17, no. 11, states that in 1569 A.D. offerings of bread and wine were still made in some places in France. Le Brun, A.D. 1716, states that in some parishes of the diocese of Rièz they offer at masses for the dead a dish of meal, a loaf and a bottle of wine. Bona I. 23, § 3, insists on the importance of offering personally. At Milan the Vecchioni still offer bread and wine.

have been placed by themselves upon the altar (60), but usually to have been received by the bishop and deacon; and it was the deacon's province at the solemn Eucharist to present them properly prepared upon the altar (61). Whenever offerings were made in grain or flour the mystical preparation must have taken place during the early part of the service (as is still the custom in the Assyrian Church), or else (as is now the custom in the East) before the service, at a special service of preparation called the prothesis (62). In the Roman and Gallican Churches where bread and wine were offered already prepared in the 4th century, the preparation in the service was confined to mixing the cup; but to ensure the purity of

(60). Pitra Jur. Eccl. Gr. I. 544; Routh's Rel. Sacr. III. 230.; Ambros. De Sacram. v. 2; Augustin. Epist. III. ad Victorian. The practice continued at Milan till recent times (Bona I. p. 184) and existed in Gaul in the 6th century. Greg. Turon. Hist. Franc. IX. 3; X. 8. Theodoret. v. 18, relates that the emperor Theodosius went up to present his gift.

(61). In Col. I. 25, 28, St. Paul calls himself the deacon of the Church and says that it is his desire as such to present every man to God in Christ as a perfect Christian. Pseudo-Hieronym. ap. Gratian I. Dist. XCIII. c. 23: Deacons place the offering upon the altar. Epist. ad Ludifred. *Ibid.* 1 Dist. XXV. c. 1: It is the business of deacons . . . to place the offering on the altar. Ordo Romanus of 9th century ap. Duchesne, p. 443, describes the offerings of bread as being made to the bishop and of wine to the deacon as they went round the Church. The deacon then placed the requisite amount of each on the altar.

(62). Possibly this preparation is referred to in the Διδαχή IX. 4: As this bread was scattered upon the mountains and gathered together became one, so let Thy Church be gathered together from the ends of the earth. Iren. III. 17, 2; Cyprian Ep. 75 (Oxf. 69) 6: When the Lord calls bread His Body moulded together from the uniting of many grains, He indicates a united people. Heb. X. 5: A body hast Thou prepared me. Justin Martyr. I. Apol. c. 67, speaks of the bread and mixed cup being brought in ready prepared. According to the 9th century Ordo ap. Duchêsne, p. 443, the deacon is directed to choose out of the loaves offered by the people a sufficient number for the communicants, and to arrange them on the altar in three or five rows. The service of the πρόθεσις consists with the Greeks in cutting off pyramid-shaped fragments from the holy bread and arranging them in 3 rows on the altar. In the Assyrian Church the preparation includes kneading and leavening the dough; then adding the holy leaven handed down from the apostles' times, and the holy oil, and baking the loaves.

the offering (63) those undergoing penance were excluded from contributing to it, even when they were allowed to communicate(64). After the eleventh century, when solemn Eucharists fell into disuse, the offering of the eulogies made by the sub-deacon at the ordinary public Eucharist took the place of the people's offerings at the solemn Eucharist (65), and penitents, as well as others, were then allowed to make pecuniary gifts or alms (66), which public opinion has since frequently confounded with the offertory (67).

(63). Elfric's Can. 17, A.D. 957. Iren. IV. 17, 5, insists on its being a pure offering; Leo I. added to the canon the words "a pure offering, a holy offering, an unspotted offering."

(64). Concil. Nic. A.D. 325, Can. 11: [The last] two years let them communicate without the oblation. Concil. Elib. A.D. 305, Can. 28: The bishop shall not receive a gift from him who may not communicate. Apost. Const. III. 4; Stat. Eccl. Ant. A.D. 505, ap. Gratian, 1 Dist. XC. c. 2, forbids the offerings of discordant brethren to be received. Concil. Ilerd. A.D. 523, Can. 13, forbids the offering to be received of one who allows his children to be baptized in heresy. Hieronym. *Ibid.* Caus. XXIV. Qu. I. c. 28; Syn. Patricii, Can. 12, in Haddan and Stubbs, II. 329: Whatever Christian is put out of communion, let not his offering be received. Concil. Mogunt. A.D. 847, ap. Gratian, Caus. XIII. Qu. II. c. 30; Nicolaus A.D. 864, *Ibid.* Caus. XXXIII. Qu. II. c. 15, permits a matricide to communicate after ten years, but not to make an offering till the whole twelve years have expired. Eugenius III. A.D. 1146, in Decret. Lib. v. Tit. XVII. c. 2, allows the viaticum to be given to criminals but forbids their offerings to be received. Concil. Lat. III. A.D. 1179, *Ibid.* Tit. XIX. c. 3, forbids usurers' offerings to be received. Innocent III. *Ibid.* Tit. XXXIX. c. 28, requires the dead to be absolved before their offerings may be received. Simeon of Thessalonica, in Neale XXIV: Neither ought priests to receive offerings for sacrifices from those who are open and notorious sinners . . . for mutual communion arises from the offerings which are brought to the altar, and it is not meet that the unworthy should partake in the sacrifice.

(65). The bread was required to be provided by the parishioners by Const. I. Gray, A.D. 1250; Const. 27, Peckham, A.D. 1281; but in many places the incumbent under a collegiate Church was required to provide the elements. See Maskell's Early Liturgy of the Church of England, p. 48.

(66). Justin 1 Apol. c. 65, states that after the distribution to each "they who are well to do and willing give what each thinks fit, and what is collected is deposited with the president who succours the orphans and widows. See Isidor. De Offic. c. 28, quoted note 41.

(67). Pecuniary gifts are mentioned by Concil. Emeritan. A.D. 666, Can. 14. Gemma Animae in 12th century says: Because the people did not

6. The proper minister to hallow the offering, or as it is commonly said to make the oblation, is a bishop or presbyter (68). In early days the hallowing was a visibly corporate act. Whilst the bishop prayed the presbyters stood round and united their prayers with his (69). In the bishop's absence any presbyter could take his place, but rural presbyters only when city presbyters were absent (70). Under no circumstances could a deacon hallow the Eucharist (71), but formerly besides presenting the pure offering upon the altar he held the cup during the hallowing prayer, and thus in a sense consecrated it (72).

communicate it was not necessary that the bread should be so large, and it was therefore ordered that it should be in the shape of a penny and that the people should offer pennies instead of an offering made of flour. Concil. Tolet. XI. A.D. 675, Can. 6, ap. Gratian, Caus. I. Qu. I. c. 100, forbids any pecuniary gift being asked from those who come to communion. In the Assyrian Church there is no almsgiving at the Offertory. Hincmar, A.D. 852, quoted note 59 ; Bernold, A.D. 1080, states that "collections for the use of the poor or the restoration of Churches" ought to be made at a suitable time and place and not at the celebration of masses.

(68). Concil. Nic. A.D. 325, Can. 18 ; Cyprian Ep. 5 ; 1 Ep. Clem. ad Cor. c. 40 ; Augustin ap. Gratian III. Dist. II. c. 26 and Caus. I. Qu. I. c. 96: Nor yet can he bless the bread, however great his merit, unless he be ordained.

(69). Ignat. ad Eph. c. 20, ad Phil. c. 4 ; Apost. Const. VIII. 12 : Let the presbyters stand on the bishop's right hand and on his left. Innocent Epist. ad Decent. c. 5, A.D. 416, states that the presbyters offered with the bishop on ordinary days. Concil. Agath. A.D. 506, Can. 21, ap. Gratian III. Dist. I. c. 55 ; Concil. Aurel. I. A.D. 511, Can. 27, *Ibid.* III. Dist. III. c. 5, requires village priests to repair to the bishop's church for the purpose of offering with him on the greater festivals. Concil. Tarracon. A.D. 516, Can. 7 ; Concil. Arvern. A.D. 535, require the same. Liguori VI. 232. Duchêsne Origines, 167 ; Maskell's Ancient Liturgy, 119. See note 76.

(70). Concil. Neocæsar, A.D. 314, Can. 13, ap. Gratian I. Dist. XCV. c. 12 ; Concil. Brac. II. Can. 36, A.D., which calls them forastici presbyteri.

(71). Concil. Nic. A.D. 325, Can. 18.

(72). Iren. Haer. I. 13, 2, complains that the heretic Marcus handed mixed cups to women bidding them consecrate them in his presence. In Ambros. De Offic. I. 41, the deacon Laurence says to bishop Sixtus II. : Experire utrum idoneum ministrum elegeris cui commisisti sanguinis consecrationem, which Devoti explains as meaning sanguinem consecratum ; but the deacon actually took part in consecrating the cup by bringing the cup into contact with the consecrated Ubbles. Thus Ordo I. in Muratori, p. 985 : At the

He also conducted the whole ceremonial of the service, including in the West the fraction after consecration (73). When approved forms of corporate prayer became general as they did in the 4th century (74), the co-operation of many presbyters in consecrating the same elements was discontinued. The use at Rome was for the presbyters to consecrate separate elements simultaneously (75) some of them doing so in separate Churches. Ultimately simultaneous consecration gave place to consecutive consecrations,

words Per ipsum et cum ipso [in the canon the archdeacon] lifts up the cup with the offering-cloth passed through the handles and holding it elevates it close to the pontiff. The pontiff then touches the cup on the side with the Ubbles (oblatae). . . . [Afterwards] the pontiff sets the Ubbles in their place and the archdeacon sets the cup by their side, passing the offering-cloth again through the handles." In the Ordo Amandi, A.D. 800, ap. Duchêsne, p. 445: And when the pontiff comes to the words Omnis honor et gloria he takes up the two Ubbles in his hands and the deacon holds the cup and elevates it slightly until he comes to the words Per omnia saecula saeculorum. In the 11th century, as appears from the treatise of Joannes Abrincensis, ap. Migne Patrol. 147, the deacon's share was less, but the deacon still held the paten for the fraction. Deacon and priest together took hold of the right corner of the corporal to uncover the Host, and together they uncovered, elevated and covered up the Chalice. Hence Bona. III. 217, observes that, because of the deacon's share in consecrating the cup, the priest says of the bread Offero, but of the cup Offerimus in the plural. Concil. Laodic. A.D. 363, Can. 25, forbids the sub-deacon "to give the Bread or to bless the cup," recognising the blessing of the cup as one of the deacon's duties. Maskell, 85.

(73). Not in the Eastern Church. Theodori Poenit. I. II. 14, in Haddan & Stubbs, III. 192: Deacons with the Greeks are not allowed to break the hallowed Bread, nor to say the collect nor the Dominus vobiscum [*i.e.* the consecration prayer, those words preceding the Sursum corda and preface], nor the post-communion prayers (completas).

(74). Διδαχή, x. 7: But suffer the prophets to give thanks in what words they will, implies that there was then no form of words prescribed for use by bishops. Cyprian De Orat. Dom. c. 4: When we meet together with the brethren and celebrate divine sacrifices with God's priest we ought not . . . to cast to God with tumultuous wordiness a petition that ought to be commended by modesty," implies the same. The Roman canon appears to have been fixed in the time of Damasus, A.D. 366; the written Greek liturgies also date from the 4th century.

(75). Liber Pontificalis, I. 139: Zephyrinus established the custom of holding patens of glass before the presbyters and for deacons to hold them

all of which were however deemed to be part of one and the same Eucharist. After the 7th century simultaneous consecrations were only practised on the festivals of Easter, Pentecost, Christmas and St. Peter, and other special occasions, such as a dedication-festival. With the growth of the parochial system they disappeared altogether in the 13th century, except at ordinations (76); and consecration by a single priest became usual at the chief or quasi-solemn Eucharist as well as at votive and private Eucharists.

7. Although Christ Who was God could at any time hallow the Eucharist and as a fact did institute it after supper, yet priests who are men cannot hallow the offerings which they make for themselves and their people without the aid of the Holy Ghost, to obtain which collective prayer and fasting are ordinarily necessary (77). No priest can, therefore, make the oblation without the presence of two or at least one person to respond to his prayers (78), and when he has begun should always complete it himself (79). If possible some other presbyter ought also to be present to supply his place in case of illness (80)

whilst the bishop celebrated mass, the presbyters standing upright by him." Warren, Celtic Church, 128, states that in Britain two presbyters at least were necessary to consecrate the Eucharist. Theodori Poenit. II. II. 7, A.D. 673, in H. & S. III. 191 : It is lawful for [single] priests to celebrate masses.

(76). Concil. Clovesho, A.D. 747, Can. 30 and Const. 26, Peckham, A.D. 1281, require such a con-celebration for a deceased bishop. Pseudo-Isidor. ap. Gratian III. Dist. I. c. 59 : On the more solemn days let a bishop have 7 or 5 or 3 deacons . . . and let the presbyters stand right and left . . . and give consent to his sacrifice. Innocent III. in Decret. Lib. I. Tit. VI. c. 28, speaks of the con-celebration at an ordination.

(77). Acts XIII. 2 ; Conf. Math. XVII. 21 ; 1 Cor. VII. 5.

(78). Concil. Mogunt. A.D. 813, Can. 43 : No presbyter, as it seems to us, can alone properly say mass. For how shall he say Dominus vobiscum [with which the consecration prayer commences] and many other things, unless some one be with him. Concil. Nannet. A.D. 898, ap. Gratian III. Dist. I. c. 61, requires two. Can. 35, Edgar, A.D. 960, says some one. Cap. 7, Theodulf, A.D. 994, says two. Walafrid Strabo, c. 22, says three.

(79) Theodori Poenit. II. c. 10, A.D. 673, in H. & S. III. 192 ; Concil. Tolet. VII. A.D. 646, Can. 2, ap. Gratian, Caus. VII. Qu. I. c. 16 ; Rom. Syn. A.D. 743, Can. 14, *Ibid.* III. Dist. I. c. 57.

(80). Concil. Tolet. VII. A.D. 646, Can. 2, l. c. ; Concil. Tolet. XI. A.D. 675; *Ibid.* Caus. VII. Qu. I. c. 15, and III. Dist. I. c. 58.

and no Eucharist can be solemnly celebrated without a deacon ([81]). The latter that he may be ready to perform his ceremonial duties ([82]) should wear an alb only when he reads the Gospel and at the time of hallowing ([83]). Hence if a presbyter discharges the deacon's duties he throws back his cape at these times over his shoulders without removing it ([84]). At a private consecration a collet or clerk suffices. Both the presbyter and those who offer with him ought to be fasting except on Maunday Thursday ([85]), and if a presbyter is asked to commend the dead when not fasting he should only do so by prayer ([86]). The priest who hallows the offering ought always to communicate himself ([87])

(81). Pseudo-Hieronym. ap. Gratian I. Dist. XCIII. c. 23: Sine diacono sacerdos nomen habet, ortum non habet, officium non habet . . . Elfric's Can. 16, A.D. 957: The priest that remains without a deacon has the name not the attendance of a priest. Concil. Nannet. in Decret. Lib. III. Tit. I. c. 8: That every priest having a cure of souls have someone with him to read the Epistle and Gospel. Alexander III. to bishop of Exeter in Decret. Lib. I. Tit. XVII. c. 6: A priest cannot discharge the solemnities of masses alone, without the suffrages of an assistant.

(82). Apost. Const. II. 57.

(83). Stat. Eccl. Ant. A.D. 505, Can. 41 ap. Gratian I. Dist. XCIII. c. 9: Let the deacon wear only an alb at the time of the oblation or Gospel reading. Apost. Const. II. 57: Let the deacons stand near at hand in close and small girt garments. Concil. Tolet. IV. A.D. 633 ap. Gratian, Caus. XI. Qu. III. c. 65, mentions the stole (orarium) and alb as the distinctive garments of the deacon. Concil. Laodic. A.D. 363, Can. 22, forbids a sub-deacon to wear a stole and Concil. Tolet. IV. A.D. 633, Can. 40, forbids deacons to wear more than one stole, and that neither coloured nor wrought with gold.

(84). Theodori Poenit. II. II. 11, A.D. 673, in H. & S. III. 192: Presbiter si responsoria cantat in missa vel quicumque, cappam suam non tollat, sed evangelium legens super humeros ponat. Micrologus, A.D. 1077, c. 9.

(85). Concil. Afric. Can. 8, ap. Gratian III. Dist. I. c. 49; Concil. Matiscon. II. A.D. 585, Can. 6.

(86). Concil. Brac. II. A.D. 572, Can. 10, calls it commendatio. So also Concil. Tolet. IV. A.D. 633, Can. 13.

(87). Theodori Poenit. II. V. 10, l. c. p. 195: A priest or deacon who may not or does not wish to receive communion cannot lawfully celebrate mass. Concil. Tolet. XII. A.D. 681, Can. 5: The priest is guilty of [mutilating] that true and singular Sacrifice as oft as he fails to partake [after offering] of the Body and Blood of Christ. Edgar's Law, 40, A.D. 960.

and likewise the assisting deacon and sub-deacon (88).

8. The Eucharist may not be offered in a private but only in a hallowed house (89) except in case of necessity or sickness (90), nor in the open (91) unless another priest or deacon holds the oblation in his hand (92), but it may be offered under an awning (93). It should always be presented upon a hallowed table (94) or altar (95), which in Churches at least consists of two parts (1) a fixed or moveable sub-structure, and (2) an altar-slab (96) or antimensa called also a super-altar (97). In the East the sub-structure is usually a moveable framework or

(88). Concil. Rothomag. A.D. 650, Can. 1: Let him receive with reverence himself, and give to partake to the deacon and subdeacon who assist him at the altar.

(89). Concil. Laodic. A.D. 363, Can. 58; Egbert's Excerpt. 52, A.D. 740.

(90). Can. 25, Elfric. A.D. 957; Felix IV. ap. Gratian III. Dist. I. c. 11; Edgar's Law, 30, A.D. 960, Cap. 11, Theodulf, A.D. 994; Egbert's Excerpt, 52, A.D. 740.

(91). Concil. Martini ap. Gratian III. Dist. I. c. 29: Ignorant and presumptuous clergy may not exercise their ministry in the open [in campum ministeria (*alias* mysteria) portare] or distribute the sacraments. Concil. Mogunt. A.D. 888, *Ibid.* c. 30, says that on a journey, if there be no church, mass may be said in the open (sub dio) or in tents, provided the tabula altaris is hallowed.

(92). Theodori Poenit. II. II. 2, l. c. p. 191: Similarly a priest may say mass in the open if the priest himself or a deacon hold the oblation in his hands.

(93). Theodori Poenit. II. XIV. 12, l. c. p. 203: The [Eucharistic] prayer may be offered under an awning (sub velamine) when necessity compels. Can. 11. Theodulf. A.D. 994: It is not lawful to sing mass in any place but Churches, not in houses nor in any place but what God hath chosen, except it be in the army; then let a tent be had to this use only and a hallowed altar.

(94). The table is spoken of by Dionysius of Alexandria, A.D. 258, in Euseb. VII. 9. A table is still preserved in the Lateran which is said to have been used by St. Peter. Craisson, § 3593.

(95). The altar (θυσιαστήριον) is mentioned by Ignat. ad Trall. c. 7; ad Phil. c. 4; Concil. Laodic. A.D. 363, Can. 19, also Edgar's Law, 31, A.D. 960; Cap. 11. Theodulf. A.D. 994; Innocent III. A.D. 1204, in Decret. Lib. I. Tit. XV.

(96). Concil. Mogunt. A.D. 888 ap. Gratian III. Dist. I. c. 30, calls it Tabula altaris.

(97). Archæological Journal, XXXV. 384.

trestle-table and is called the holy table (98) or the throne (99). Western rule requires it to be a tomb (100) or otherwise a chest containing the remains of one or more saints (101), whence it is called a martyry, sepulchre or confession (102). The altar-slab was in ancient times made of wood covered with silver or gold (103), as a portable altar is now (104); but whenever the substructure is a tomb, it is required to be of stone (105). The antimensa of the East is a large figured corporal (106).

9. The altar which may not have been used before on the same day (107) is required to be provided with proper ornaments

(98). Socrates, VI. 5, relates that Eutropius took shelter under the holy table at Constantinople; I. 27, 35, relates that Macarius furiously rushing towards the altar had overturned the table.

(99). Blackmore's Russian Catechism, Aberdeen, 1845.

(100). Socrates I. 12; Euseb. VII. 11, relates that in A.D. 257 Christians were forbidden to hold meetings or to enter their cemeteries (κοιμητήρια) but VII. 13, that Gallienus gave permission to recover what are called the sleeping-chambers (κοιμητήρια used as altars). Concil. Chelsea, A.D. 816, Can. 2; Lynd. 252.

(101). Concil. Nic. II. A.D. 787, Can. 7, because of Rev. VI. 9.

(102). Ambros. ad Marcellin. Ep. 22. Lingard's Anglo Saxon Church, II. 40.

(103). Sozom. IX. 1, relates that the daughter of Arcadius gave to the Church of Constantinople an altar covered with gold and precious stones. Alcuin. De Pont. v. 1224, mentions an altar covered with flakes of silver; v. 1490: He covered the altar with silver with gems and with gold; v. 1500: He made another altar covered with pure silver and precious stones. Devoti Lib. II. Tit. VII. § 12.

(104). Baeda. v. 10, relates that the brothers Hewald had a consecrated table for an altar. St. Cuthbert's portable altar of wood covered with silver still exists at Durham. Concil. Mogunt. A.D. 888, ap. Gratian III. Dist. I. c. 30; Can. 11, Theodulf, A.D. 994.

(105). Augustin Epist. 185, ad Bonifac. Optatus Milev. Lib. VI. Concil. Epaon. Can. 26, A.D. 517, ap. Gratian III. Dist. I. c. 31; Concil. Winton. A.D. 1071, Can. 5. Martene De Antiq. Rit. I. c. 3, art. 6, § 4; Bona Rer. Lit. I. c. 20; Bingham VIII. c. 6, § 15.

(106). Craisson, § 3614. Le Brun III. 590.

(107). Concil. Autissiodor, Can. 10, A.D. 578, ap. Gratian III. Dist. II. c. 97: It is not lawful on the same altar to say two masses on the same day; nor for a priest to celebrate on an altar after the bishop on the same day. Theodori Poenit. II. 1, l. c. p. 190.

and altar linen (108). These according to mediæval rule include four coverings (109), viz. an altar-cloth or pall (110) for which a simple frontal (111) or antependium is usually substituted, two towels or linen-cloths (112), or three when a frontal is used instead of a pall, and a fourth cloth not of silk (113), but of the finest linen called a corporal or body-cloth (114), on which the offering is laid to be hallowed (115). The corporal was formerly of large size and covered the whole altar (116) and is forbidden to be touched

(108). Concil. Ebor. A.D. 1195, Can. 8.

(109). Gratian III. Dist. II. c. 27, quoted below. The present Roman rubric, the authority for which is not earlier than 1568, requires three. Craisson, § 3610.

(110). Concil. Arvern. I. A.D. 535, Can. 3 and Pseudo-Clem. Ep. ap. Gratian III. Dist. I. c. 40, forbid altar cloths (pallae) given for the altar to be used for wrapping the dead or by a deacon for covering his shoulders, and orders the deacons to cleanse the altar-cloths (pallas) and sanctuary curtains (vela) if they are dirty within the sanctuary, but to thoroughly wash the altar-linen (velamina) and the corporals (sindones). Const. 5, Reynolds, A.D. 1322. Warren, 124, states that purple altar-cloths were in use in the Celtic Church.

(111). Const. 4, Winchelsea, A.D. 1305, mentions the frontal, *i. e.* the imperfect pall hanging down in front but not covering the altar. Lynd. 252, says that a frontal is elsewhere called a pall, but, p. 235, he appears to include the altar-cloth or pall among the altar-linen.

(112). These linen cloths are called linteamina in Const. 5, Reynolds, A.D. 1322, lintea in Gratian III. Dist. II. c. 27, and velamina *Ibid.* III. Dist. I. c. 40, and by Lynd. 235; tuellae in Const. I. Gray, A.D. 1250 and Const. 4, Winchel. A.D. 1305. Lynd. 249, 235, 248.

(113). Acta Sylvestri, ap. Gratian III. Dist. I. c. 46 and Dist. II. c. 27.

(114). Optatus of Milevis, Lib. VI.: In celebrating the Mysteries the wood is covered with a linen cloth. Sindon in Gratian III. Dist. I. c. 46, Const. 2. Langton, A.D. 1222, and Const. 7, Peckham, A.D. 1279; Corporale in Edgar's Law 33, A.D. 960; Can. 22, Elfric A.D. 957, Const. 5, Reynolds, A.D. 1322, Lynd. 249, 235. Egbert's Pontifical gives forms for the blessing of the Corporal (Surtees Society, Vol. XXVII). Leofric's Missal, p. 221. The corporal of the Greeks is covered with figures.

(115). Maskell's Ancient Liturgy, p. 82 Sarum: Ponatque panem super corporalia.

(116). Concil. Arvern. A.D. 535, Can. 7, forbids the body of a deceased priest to be wrapped in the opertorio Dominici Corporis. Bridgett's Hist. of Eucharist, I. 174. Isidor. Pelus. A.D. 410, lib. I. Epist. 123: We consecrate the bread of presentation on fine linen. The Greeks call this εἰλητόν.

by a woman (117). Besides the Eucharistial and the four Gospels (118) nothing may be placed upon the altar. A step or gradine at the back appears to have been introduced in the 16th century and was authorized by Clement VIII. in A.D. 1600 (119).

10. For the service of the altar, the altar or housel-vessels are necessary (120). These should be hallowed (121) and ought not afterwards to be used for any profane purpose (122). They consist of a chalice (123), which in the earliest times appears to have been made of glass with a figure of the Good Shepherd

(117). Concil. Autissiodor, A.D. 578, Can. 37 : Let not a woman put forth her hand to the Lord's altar-cloth (ad pallam Dominicam). Cap. 6, Theodulf, A.D. 994.

(118). Leo IV. A.D. 850.

(119). Rock II. 500, shews that in 1532 there were no candles *on* the altar at Westminster. In the Caerimoniale Episcoparum, A.D. 1582, the altar is represented without cross or candles, but in the same book, A.D. 1600, it is represented with a Maltese cross flanked by 6 candles.

(120). Can. 22, Elfric A.D. 957 : Let his chalice be made of pure wood and also the paten. Gratian III. Dist. I. c. 44, 45 ; Cap. 8 and 18, Theodulf, A.D. 994.

(121). Ambros. ap. Gratian, Caus. XII. Qu. II. c. 70, speaks of the vasa ecclesiae initiata. Acta Sylvestri, *Ibid.* III. Dist. I. c. 46, directs them to be consecrated, and Leofric's Missal, p. 221, gives the forms. Can. 37, Elfric, A.D. 957 : Mass ought not to be consecrated with any other vessel but the chalice that is blessed for this purpose. Concil. London, A.D. 1175, Can. 16: That no bishop bless a chalice of tin. Innocent III. A.D. 1204, in Decret. Lib. I. Tit. XV, says that the chalice is consecrated with chrism. Chambers' Divine Worship in England has collected the English forms from the eighth to the fifteenth centuries.

(122). Concil. Brac. III. A.D. 675, Can. 2 ; Concil. Arvern. A.D. 535, Can. 8, forbid their being used for marriage-feasts. Cap. 10, Theodulf, A.D. 994, Concil. Tolet. XVII. A.D. 694, Can. 2.

(123). According to the Ordo St. Amandi, ap. Duchêsne 442, four different vessels were used at Rome in the ninth century : (1) the small chalice or cup (calix) used on ordinary days, (2) the large chalice (calix stationarius) with two handles for High days (the handles are mentioned in the Ordo ap. Muratori I. 978, 985) such as the one found at Ardagh and now in the museum of the Irish Academy at Dublin (Rock I. 164 ; Bridgett I. 219). These were exclusively used by the clergy. After the clergy had communicated, the chalice was emptied (3) into one or more communion-bowls (scyphi) full of unconsecrated wine, from which (4) the communion-cups (fontes) were replenished into each of which a portion of the consecrated

upon it (124), and also of a paten or offering dish (125) which was of large size, but does not appear to have been invariably used in lesser churches before the thirteenth century (126). The chalice may not be of wood (127), copper or brass (128), glass (129), wax (130), or horn (131); but both chalice and paten are required to be of gold or silver (132), or in case of poverty of tin (133). Two

Bread was dropped. Both clergy and people drank from tubes made of gold, silver, ivory, or glass. These are mentioned in Leofric's Missal XXII. Soto who was in England in Mary's reign states that the chalice-veil called filiola by the Spaniards (Isidor. 24, Hammond's Liturgies 285) was not used here, but in its place a silken tablet (serica tabella). Bridgett II. 62, however, can find no such article in ancient inventories.

(124). Tertullian De Pudicit. c. 10; Baronius a° 216, no. 13.

(125). Lib. Pont. Duchêsne, 139: Zephyrinus established the custom of holding patens of glass before the presbyters whilst the bishop celebrated mass, the presbyters standing upright by him, [to consecrate]; p. 246: mentions the substitution of patens of silver. The paten was a large offering dish, the size of which may be gathered from the fact related by Gregory of Tours, that a man profanely used it to wash his feet. Alcuin in Lingard's Anglo Saxon Church, I. 265, mentions it. After the offering had been presented in it, it was, according to Maskell, p. 85, given back to the sub-deacon who held it standing behind the deacon until the Lord's Prayer, when it was used for the fraction.

(126). The host according to Sarum use (Maskell, p. 82) was placed on the corporal for consecration and reserved in the pyx or box. Concil. Araus. A.D. 441, Can. 17, calls the box capsa. Also Hist. Monast. de Abingdon. Const. 32, Edmund, A.D. 1236: If the priest as some do [in receiving] takes it off the paten.

(127). Concil. Tribur. A.D. 895, ap. Gratian III. Dist. I. c. 44: At one time golden priests used wooden chalices, now wooden priests use golden chalices. Edgar's Law 41, A.D. 960. Concil. Winton, A.D. 1071, Can. 16, Honorius III. in Decret. Lib. III. Tit. XLI. c. 14, ordered a priest to be deprived for celebrating without fire or water and using a wooden chalice.

(128). Gratian III. Dist. I. c. 45.

(129). Gratian III. Dist. I. c. 45, § 3: Let no one presume to consecrate in a chalice of wood or of glass. Lynd. 249.

(130). Concil. Winton. A.D. 1071, Can. 16.

(131). Concil. Chelsea, A.D. 787, Can. 10.

(132). Gratian III. Dist. I. c. 45; Concil. Westminster, A.D. 1175, Can. 16, orders it to be of gold or silver but not of tin. Const. 11. Langton, A.D. 1222. Lynd. 9, 249.

(133). Gratian III. Dist. I. c. 45. Lynd. 234.

candles or at least one should always be lighted (134) before the altar and incense be burnt at the time of the Gospel-reading and

(134). Concil. Elib. A.D. 305, Can. 34, forbids candles to be lighted in the day in a cemetery-church, "for the souls of the saints must not be disturbed" [*i.e.* before evening by the signal for service]. Concil. Tolet. XIII. A.D. 683, ap. Gratian, Caus. XXVI. Qu. V. c. 13, forbids the altar to be bare or the lights to be extinguished at the Eucharist. There are four distinct uses of lights (1) necessary, (2) symbolical or ceremonial, (3) ornamental, and (4) devotional. 1. Necessary lights are mentioned Apost. Const. VIII. 35 and Socrates V. 22, where the beginning of service [in the evening] is spoken of as the lighting of the lights. Socrates VI. 8, relates that Chrysostom, A.D. 401, introduced silver crosses on which were lighted tapers for processional use at nocturns. Hist. Monast. de Abingdon II. 375, A.D. 1180, directs two lights to be placed on the altar for this purpose at matins and vespers. 2. Symbolical or ceremonial lights are the candlestick and candle required by Stat. Eccl. Ant. A.D. 505, ap. Gratian, Dist. XXIII. c. 16, to be given to the acolyte for the Eucharistic celebration. Can. 14, Elfric, A.D. 957 : He is called the acolyte who holds the candle at the divine ministration when the Gospel is read or the Housel hallowed, not to drive away darkness but to signify bliss to the honour of Christ Who is our Light. Can. 42, Edgar, A.D. 960 : Let a light be always burning in the Church when mass is sung. Honorius III. in Decret. Lib. III. Tit. XLI. c. 14, deposed a priest for not having a light. Const. 4, Langton, A.D. 1223 ; Const. 5, Reynolds, A.D. 1322 : Let two candles or at least one be lighted at the time of offering. John de Burgo Pupilla oculi, A.D. 1385 : Without fire i. e. without light it is not lawful to celebrate. 3. Ornamental lights are mentioned by Hieronym. ad Vigilantium as being lighted to display a sign of joy. According to Alcuin, De Sanct. Eccl. Ebor. 280, 1494, there was at York a pharos consisting of three rows of nine lamps each suspended before the altar. Hist. Monast. de Abingdon II. 290, relates that Abbot Faritius, A.D. 1111, gave a 7-branched candlestick to the Church. According to the customs, II. 375, furnished to Ralph de Glanville, in 1188 A.D., a wax taper was kept burning before the high altar night and day, and on principal festivals seven were kept burning before the high altar and the same at high mass, and one before each altar in choir. See also II. 379, 382, 383. 4. Devotional lights were of many kinds. The injunctions of 1536 A.D. only allowed three, viz. (1) the beam light or devotional light of the parish sometimes called the common light, (2) the light before the sacrament and (3) the light before the sepulchre, also called the dead light or the soul light. Const. 8, Arundel, A.D. 1408, approved the practice. Lynd. 298. Micrologus, A.D. 1077, c. 11, states that a light is always required at a Eucharistic celebration.

the oblation (135), and no other necessaries ought to be neglected (136). In early times the sub-deacon was not allowed to handle the sacred vessels (137), but in the West this is permitted to sub-deacons and collets (138).

11. The priest who hallows the oblation should not be covered nor use a staff (139), nor have his feet bare (140), but according to Gallican rule, which after the tenth century became also the Roman (141), should besides his ordinary priestly garments wear a distinctive liturgical or Eucharistic vestment (142).

(135). During the first three centuries incense was only used to preserve the bodies of the dead. Tertullian Apol. c. 42 : "We use as much incense in burying Christians as others in fumigating the Gods." Apost. Can. 2 and Dionys. Eccl. Hier. III. 2, A.D. 500, first mention its use in the service. Concil. Rothom. A.D. 650, Can. 1 : At the time when the Gospel is read and when the offertory is ended let incense be placed on the oblation to commemorate the death of our Lord. Theodori Poenit. II. 1, 8, in H. & S. III. 191 : Let the Lord's incense be burnt on the birthday of the saints out of respect for the day. Edgar's Law 43, A.D. 960.

(136). Lynd. 249, says three washing-trays for washing (1) the corporals (2) the altar-cloths (3) the linen cloths.

(137). Concil. Laodic. A.D. 363, Can. 21, ap. Gratian, 1 Dist. XXIII. c. 26.

(138). Gratian 1 Dist. XXIII. c. 32 ; Concil. Brac. A.D. 563, Can. 10, *Ibid.* c. 31, forbids any of the readers to touch the sacred vessels unless they have been ordained sub-deacons ; Concil. Brac. II. A.D. 572, Can. 41 ; Concil. Agath. A.D. 506, Can. 66, *Ibid.* c. 30, forbids this to all the lower orders, *Ibid.* III. Dist. II. c. 23.

(139). Rom. Syn. A.D. 743, Can. 13, ap. Gratian III. Dist. I. c. 57 : Let no bishop, presbyter or deacon presume to enter upon the solemn celebration of masses with a staff (baculus), or with his head covered, because the apostle forbids men to pray in Church with covered head. See Maskell, p. 61.

(140). Concil. Chelsea, A.D. 787, Can. 10, possibly intended to forbid the use of the highland costume.

(141). Leo IV. A.D. 847, in Labbé VIII. 33 : Let no one presume to sing masses in a planet which he wears every day.

(142). In II. Tim. IV. 13, St. Paul refers to a cloak (φελόνη) which he may possibly have worn when offering the oblation, but it was certainly not a Eucharistic vestment. From it the Greek Church derives its φελόνιον=the Gallican casula or amphibalum. In Apost. Const. VIII. 13, the bishop is directed to put on his bright garment (λαμπρὸν ἐσθῆτα) which does not necessarily denote a distinctive garment, but only a new one, his best. The terms casula or amphibalum are first met with in Germanus, bishop of

The ordinary priestly garments worn by all members of the clergy indifferently ([143]), and likewise by laymen after solemn baptism ([144]) and at other stated times ([145]) consisted of (1) a white garment, alb or surplice (2) an amice or mystic head-cloth

Paris, 555-576 A.D. In the Roman Church the term is not found until the time of Stephen II. A.D. 752, when it appears as quodsulis. Duchêsne 367. Casula appears to be used by early Roman writers for a cassock, as in Leofric Missal, p. 261, where collets are directed to put on black cassocks (casulae); p. 258, clergy other than presbyters are directed to put on cassocks (casulae) and solemn vestments at the blessing of the chrism. Concil. Tolet. IV. A.D. 633, ap. Gratian, Caus. XI. Qu. III. c. 65, mentions planet (*i. e.* chasuble) and stole as the distinctive dress of a presbyter. Wihtraed's Law 18, A.D. 696, requires a priest to purge himself before the altar in his vestment. Can. 22, Elfric, A.D. 957: The priest shall have his mass-vestment. Edgar's Law 46, A.D. 960 : That no priest minister at the altar without his vestment.

(143). Ordo S. Amandi, ap. Duchêsne, 440, speaks of deacons and sub-deacons wearing albs such as they possessed either of linen or of silk and amices (anagolagia).

(144). Rabanus, A.D. 834, De Cler. Inst. I. 29, ap. Gratian III. Dist. IV. c. 91, says that before being anointed the baptized receive (1) the white garment, and after it have (2) their head covered with a mystic veil (See Baptism, note 48) to indicate purity and their royal priesthood. These garments have their counterparts in the colobion and cowl of monks, and the alb and amice of the clergy, which Isidor. Etym. XIX. 21, and Rabanus I. 15, calls respectively poderis and super-humerale. Rev. I. 12, describes the heavenly Priest as clothed with a garment reaching to the feet, and girt about the paps with a girdle ; Iren. IV. 20, 11, explains these as "something priestly." Concil. Brac. I. A.D. 561, ap. Gratian, 1 Dist. XXIII. c. 32 : All clerks should minister with close-cut hair, having their ears exposed (*i. e.* the head-cloth let down) and should after the manner of Aaron put on a garment reaching to the feet (talaris vestis) that they may be in glorious array. The head-cloth, the περικεφάλαια τοῦ σωτηρίου of Eph. IV. 17, called the amice (amictus) consisted of a broad linen band put over the head under or above the alb and fastened by a string. The Romans wore under the alb a subumblem, shoulder-cloth, or sudarium, which was really a distinct garment. Edgar's Law 33, A.D. 960 : That every priest have a subumblem under his alb when he celebrates mass and every vestment decently put on. This subumblem is called anagolagium=anabolagium=ἀναβολάιον in Ordo St. Amandi and superhumerale in Leofric Missal. 59. As the head-cloth was allowed to fall over the shoulders when the priest reached the altar, the Gallican head-cloth and the Roman shoulder-cloth appeared the same.

(145). Theodori Poenit. II. XIV. 11, in H. & S. III. 203 : Out of respect for regeneration let prayers be said at Pentecost in albs, as they are said at

and (3) a girdle. In the Gallican Church the girdle was worn by the higher clergy ([146]), in the Roman it was confined to those below the diaconate ([147]). The liturgical vestment for the Eucharistic service in the Gallican Church was for presbyters the chasuble ([148]), for deacons the handkerchief, maniple or phanon ([149]). Both bishops, presbyters and deacons wore also a stole, variously put on as a distinctive mark of their office ([150]).

12. At Rome previously to the ninth century there appears to

Eastertide. This is probably the origin of the surplice being worn on solemn offering days.

(146). Coelestin. Ep. 4, ad episc. prov. Galliae, ap. Constantium, p. 1067, blames them for wearing a mantle and girdle as being contrary to ecclesiastical [sc. Roma] use.

(147). Duchêsne 367.

(148). Germanus ap. Duchêsne, l. c.

(149). Amalarius De Eccl. Offic. III. 19, A.D. 827, says the deacon places the cup on the altar and the handkerchief beside it. Const. 32, Edmund, A.D. 1236: Let the priest have near to the altar a very clean cloth bound round with another, and cleanly and decently covered to wipe his fingers and lips. At Rome the handkerchief called pallium linostinum was a ceremonial adjunct of the consul's dress (Duchêsne 369), and being used by the clergy as a mark of distinction was by Gregory ap. Gratian, 1 Dist. XCIII. c. 22, forbidden to all but Roman clergy. Duchêsne, p. 369, says that it was not attached to the person before the twelfth century.

(150). The stole (orarium) of the Roman Ordines prior to the tenth century appears to be only another name for the sudarium which was worn round the neck and upon the shoulders to prevent the planet being soiled. The stole of the East and of the Gallican Church was a scarf worn as a mark of distinction and probably first adopted in the fourth century in obedience to a law requirnng all officials to have a distinguishing decoration. Concil. Laodic. A.D. 363, Can. 34, forbids sub-deacons and readers to usurp it. Isidore of Pelasium, A.D. 410, Ep. I. 136, says that the episcopal stole which he calls pallium is made of wool, the deacon's stole of linen. Chrysostom. Hom. on the Prodigal son, speaks of the linen band (ἡ ὀθόνη) with which deacons take part in the liturgy, and says that it was passed over the left shoulder, and compares its motion to the motion of angels' wings. It was worn by bishops, tied round the neck, one end hanging down in front and one behind, and called the pallium or ὠμοφόριον. The pallium of popes Agatho and Stephen III, is called stola in Lib. Pont I. 354, 472. By presbyters it was worn over both shoulders and was called simply stole (ὠράριον) or ἐπιτραχήλιον. Concil. Tolet. IV. A.D. 633, Can. 39, directs the deacon to wear it over the left shoulder. It is mentioned as a badge of both bishop, presbyter and deacon, by Concil. Tolet. IV. A.D. 633, ap. Gratian,

have been no distinctive liturgical dress ([151]). The dress of both clergy and laity consisted of (1) an under-garment of linen either with sleeves when it was called a tunic or without sleeves when it was called a colobus ([152]); (2) an upper garment called a paenula and in later times a planet; and (3) on solemn occasions an intermediate garment called a dalmatic ([153]). These garments became clerical when they ceased to be worn by laymen, and liturgical when they were used exclusively for Eucharistic purposes ([154]). Before the thirteenth century the planet had, however, assumed two forms: (1) that of the processional planet supplied with a cape and called distinctively the cope ([155]) or

Caus. XI. Qu. III. c. 65. Concil. Brac. III. A.D. 675, Can. 3, requires a priest to wear it at the oblation. Concil. Tribur. A.D. 895, *Ibid.* Caus. XVII. Qu. IV. c. 25: Let not presbyters go about unless vested in cope (stola) and stole (orarium).

(151). Coelestin. A.D. 432, Ep. 4, ad. episc. Galliae, ap. Jaffé, 369, censures the Gallican clergy for wearing a distinctive vestment. See Duties of Order, § 9. Duchêsne contends that the lengthy explanation of the meaning of Aaron's garments in the ordination-prayer which dates from the fifth century, shews that such garments were then unknown at Rome. John the deacon in the seventh century describes Gregory and his father Gordianus as wearing the same dress—a dalmatic and a brown planet.

(152). Cod. Theodos. A.D. 397, XIV. X. 1, requires senators to wear a colobus. Egbert's Excerpt. 153: A Roman canon says: Let whatever clerk is seen in Church without his colobion or cope . . . be excommunicated.

(153). The dalmatic was a garment with wide sleeves worn only by people of distinction. The Proconsular Acta 5, ap. Duchêsne 368, describing the martyrdom of St. Cyprian, A.D. 258, say: He put off his shepherd's cloak (lacerna byrro), knelt down and prostrated himself in prayer to God. When he had 'taken off his dalmatic and given it to the deacons, he stood there in his tunic (linea).' Symmachus, A.D. 513, granted the use of the dalmatic as a mark of distinction to the deacons of Arles; Gregory, A.D. 599, to the bishop of Gap and his archdeacon. See Vita Caesarii, c. 4, ap. Migne CXVII. p. 1016. Gregor. Ep. IX. 207. Lynd. 252. According to Germanus Ep. 2, ornamental sleeves were worn in the East and in the Gallican Church over the tunic, called manualia, manicae ἐπιμανίκια. The Gallican surplice with sleeves worn over it had all the appearance of the Roman dalmatic.

(154). Leo IV. A.D. 850, Hom. De Cur. Past.: Let no one sing mass without amice, alb, stole, maniple and chasuble. Const. I. Gray, enumerates the principal vestment, chasuble, alb, amice, girdle, stole and maniple. Const. 27, Peckham, A.D. 1281, mentions the same, excepting the stole.

(155). Theodori Poenit. II. II. 11 in H. & S. III. 192: The presbyter or

pluvial [156], sometimes the stola [157] and the principal vestment in English constitutions [158]; and (2) that of the abbreviated circular planet used only for the oblation to which the Gallican name of chasuble was reserved [159]. After the thirteenth century the chasuble became the Eucharistic vestment of the officiating priest exclusively, the dalmatic of the assistant deacon, the tunic of the sub-deacon [160]. All other clergy attending at the altar were then directed to be vested in surplices [161]; and a surplice was also prescribed as the vestment for the presbyter when he administered the communion to the sick [162]. These various garments are by mediæval rule directed to be consecrated [163], and the linen ones washed by the deacon when necessary [164].

13. Of the three prayers called respectively the collect, the consecration-prayer and the post-communion, which constitute

whoever says responses at mass should not take off his cope (cappam), but only throw it back, when reading the gospel.

(156). According to Irish Ecclesiastical Record XI. p. 1085, the pluvial is (1) less ample than the ancient planet, (2) is cut open in front for convenience of walking, and (3) is furnished with a cape for protection from rain.

(157). Concil. Tribur. A.D. 895, ap. Gratian, Caus. XVII. Qu. IV. c. 25.

(158). Const. 1, Gray, A.D. 1250; Const. 4, Winchelsea, A.D. 1305.

(159). The Gallican chasuble was a large circular garment with ample folds reaching well nigh to the ground, and with a head stall for the wearer's head. It so nearly resembled the Roman planet that it was called planet by Concil. Tolet. IV. A.D. 633, ap. Gratian l. c. It was, however, a Eucharistic vestment in 575 A.D. whereas the Roman planet was not; for in Ordo S. Amandi, A.D. 800, the deacons lay aside their planets on entering the chancel. When the planet was confined in the Roman Church to Eucharistic purposes, it was reduced in size, and being made of richer material was cut away at the sides to give the hands free play, until it acquired the modern fiddle-shaped pattern. It still, however, went by the Gallican name; but the real Gallican chasuble according to Acta Eccles. Mediol. Tom. I. Lugdun. 1683, is required to be at least 5 feet in length.

(160). Const. 4, Winchelsea, A.D. 1305.

(161). Const. 5, Reynolds, A.D. 1322: We charge that they who attend at the altar be clothed with surplices. Lynd. 52, 236.

(162). Const. 7, Peckham, A.D. 1279, Lynd. 249.

(163). Pseudo-Isidor. A.D. 843, ap. Gratian III. Dist. I. c. 42; Honorius III. A.D. 1220, to bishop of London in Decret. Lib. I. Tit. XVI. c. 2.

(164). Pseudo-Clement, *Ibid.* III. Dist. l. c. 40, Conf. c. 29.

the part peculiar to the bishop and presbyters in the solemn service (165), the second or canon as it is usually called in the West (166), the action, contestation, illation and immolation of the Gallican rite, or the invocation in yet earlier times (167), is directed to be pronounced with great reverence and devotion of mind (168), care being taken to avoid mistakes (169). It may therefore never be said without book (170). In early times the

(165). Theodori Poenit. II. II. 14 in H. & S. III. 192 : Deacons with the Greeks do not break the hallowed bread nor say the collect (collectio) nor the consecration prayer (Dominus vobiscum) nor the completing prayers (completas). Micrologus, A.D. 1070, c. 4, says that properly there is only one collect before the reading, but this is little observed. Many weary those present by multiplying prayers. According to Concil. Milev. A.D. 402, Can. 12, only approved prayers may be used and these Micrologus says should never exceed seven in number.

(166). Innocent I. A.D. 416, Epist. ad Decentium, and Gregory, Ep. IX. 12, A.D. 596, call it *precem*, Augustin calls it *orationem* and *carmen*, ap. Gratian, Can. I. Qu. I. c. 87. Mabillon Mus. Ital. II. 48, states that Gregory first called it *canon*. Walafrid Strabo, A.D. 849, c. 22 : It is called the canon because it is the regular confection of the sacrament. Lynd. 49, says : "Canon is the same as rule . . . Mass is properly used of the prayer consecrating the Eucharist. All other parts of the service are either thanksgivings or intercessions." Διδαχή x. 7 : "Suffer prophets to give thanks in what words they will" seems to imply that a form was even then prescribed for presbyters who were not prophets. Duchêsne 168, refers the Roman canon in its present form to the time of Pope Damasus. The words Sanctum sacrificium, immaculatam hostiam are stated to have been added by Leo (A.D. 440-461), and three other phrases by Gregory ; see Baeda II. 1. The Roman canon was adopted at Milan between the Lombard invasion A.D. 568 and the capture of Genoa by Rotharis, A.D. 641 (Duchêsne 84) and in the Celtic Church in the ninth century. See Warren's Celtic Church, p. 158.

(167). Iren. I. 13, 2 : Protracting to great length the word of the invocation, IV. 18, 5 ; Hippolyt. VI. 34.

(168). Concil. Westminster, A.D. 1200, Can. 1 ; Const. 25, Langton, A.D. 1222 ; Const. 5, Reynolds, A.D. 1322 ; Lynd. 50.

(169). Gildæ Poenit. A.D. 573 in H. & S. p. 115 : If any one by mistake make any change in the sacred words where danger is noted let him fast three days. Concil. Ebor. A.D. 1195, Can. 3 : Let archdeacons take care that the canon of the mass is corrected according to some true and approved copy.

(170). Can. 32, Elfric A.D. 957.

canon appears to have been said aloud by the bishop, the presbyters accompanying him in an undertone (171), whence arose the practice of presbyters saying it secretly even when consecrating alone and of its being called the secret (172). Since the establishment of the parochial system, English constitutions require it to be said distinctly (173). In the thirteenth century the Roman custom was introduced of ringing the little or sacring bell within the Church when the canon commenced, and the great bell outside thrice at the elevation (174). Earlier English constitutions, however, forbid the ringing of the bell until the canon is concluded (175). The fraction at the solemn Eucharist was formerly performed simultaneously by all the presbyters present together with the deacons (176), but not by deacons among the Greeks, whilst the Agnus Dei was sung (177); but since the

(171). Ordo S. Amandi, ap. Duchêsne 444 : Bishops stand behind the pontiff with inclined head and presbyters right and left, each one holding a corporal in his hand. The archdeacon gives to each one two oblation loaves and the pontiff says the canon so that they can hear him, and they hallow the oblation loaves which they hold as the pontiff does his.

(172). Concil. Winchester, A.D. 1071, Can. 10 ; Concil. Ebor. A.D. 1195, Can. 3.

(173). Concil. Westminster, A.D. 1200, Can. 1 : That the words of the canon be roundly and distinctly pronounced by every priest in celebrating mass. Const. 6, Langton, A.D. 1222 : That the words of the canon, especially of the consecration, of Christ's Body be perfectly pronounced. According to Maskell, p. 115, it still continued to be said secretly for which Lynd. 49 assigns six reasons.

(174). Before the twelfth century the priest raised the Host and the deacon the cup at the close of the canon. The elevation during the canon is said to have been introduced at the end of the eleventh century by way of protest against the views of Berengar. Const. 1, Peckham, A.D. 1281 : Let the bells be tolled at the elevation of the Body of Christ, that the people who have not leisure to be present daily at mass may, wherever they are, bow their knee to obtain the indulgences granted by many bishops. Const. Peter Quivil, Exon. A.D. 1287, in Wilkins II. 131.

(175). Concil. Winton. A.D. 1071, Can. 10 : That bells be not tolled at celebrating in the time of the secret.

(176). Ordo of ninth century, ap. Duchêsne, p. 445, v. 177.

(177). Referred to by Chrysostom in Hom. in 1 Cor. The use of this hymn was introduced at Rome by Sergius III. (687-701). It is mentioned in Can. 37, Elfric, A.D. 957 : While they are going to Housel on Easter Eve

seventh century it has become the general rule in the West for each presbyter to make a ceremonial fraction into three parts only (178). The Western rule also forbids the priest to communicate himself until the blessing has been given to the people (179), or to kiss the consecrated Elements (180).

14. In the second and third centuries (181) it was usual to commence the Eucharistic service or at least the preparatory

let them not say the Agnus and the Communia [Ps. 33] but let them sing Laudate Dominum [Ps. 147].

(178). Sergius, A.D. 687, ap. Gratian III. Dist. II. c. 22 : One part dipped in the cup signifying the risen Body of Christ : the part consumed by the priest signifying Christ walking about on earth ; the part reserved signifying Christ's Body resting in the tomb. The Greeks now divide into four parts. The Spanish Church divided into nine, of which seven were placed in the form of a cross and the two remaining ones called Regnum and Gloria served for the commixture and the consumption of the priest respectively. Bona Tom. III, 328, Maskell 159. At an earlier time the division had been into many parts, which by some priests were laid out to represent a body, but Concil. Turon. II. A.D. 567, Can. 3, prohibited this practice : Ut Corpus Domini in altari non in imaginario ordine sed sub crucis titulo componatur, and also Pelagius, A.D. 558, ap. Jaffé 978, in a letter to the bishop of Arles. Duchêsne 210. In Ireland the fraction was made in seven different ways, according to the degree of the feast, varying from five parts on ordinary days to sixty-five on Ascension Day. Stokes' Stowe Missal, p. 10.

(179). Innocent I. ap. Gratian III. Dist. II. c. 9, says, the peace ought not to be given until the mysteries are concluded, *i. e.* after the consecration and before the communion. Concil. Tolet. IV. A.D. 633, Can. 18, says some communicate immediately after the Lord's Prayer [which concluded the consecration] and afterwards give the blessing to the people, but enjoins the blessing to be given after the Particle has been placed in the cup. In this country the bishop's solemn benediction was given after the commixture and followed by the peace as late as 1309 in Wilkins II. 304. The solemn benediction might not be given by a presbyter. Concil. Agath. A.D. 506, Can. 44.

(180). Const. 32. Edmund, A.D. 1236, in Wilkins I. 639, says "before he gives the consecrated Host to himself." For this Lynd. 234, reads "before he gives the peace." Kissing the Host was a French practice followed as late as the sixteenth century. Elsewhere the priest kissed the corporal or the cup. At Rome he kissed the altar.

(181). John XX. 19 ; Luke XXIV. 29, 30 ; Math. XXVIII. 1 ; Acts XX. 7, says on the first of the two sabbaths at even, *i. e.* Saturday evening. Pliny X. 96, writing in A.D. 112, says that Christians meet together before day-break on the appointed day and antiphonally chant a hymn to Christ as God and bind themselves with an oath (sacramento) not to commit crime,

part of it called nocturns, or the vigil-prayers (182) and in later times the catechumens' service, directly Sunday commenced, *i. e.* immediately after sunset on Saturday, and to complete the offering and give the communion to the faithful after midnight in memory of the Lord's resurrection (183). In the fifth century

after which going away, they reassemble to partake in common of harmless food. Bona I. 1, § c. 4, Duchêsne 219, Batiffol Hist. du Bréviaire 2, take the second meeting to be the Eucharist proper. Lightfoot, Ignatian Epistles, 52, holds the first meeting to be the Eucharist, and the second to be the agape. Freeman II. 372, states that herein the Jewish practice of the memorial bread and wine on the eve preceding the sabbath was followed. Euseb. VI. 34, says that the emperor Philip wished to share with the multitude in the prayers of the Church on the last vigil of the Passover, but was not allowed. Apost. Const. VIII. 35 : When it is evening thou O bishop shalt assemble the Church, and after the repetition of the psalm at the lighting up of the lights, the deacon shall bid prayers for the catechumens, the energumens, the illuminated and the penitents. But after the dismissal of these the deacon shall say, etc. . . Augustin. Epist. 36 ; Socrates V. 22 : In Achaia and Thessaly and also at Jerusalem they go to prayers as soon as the candles are lighted, in the same manner as the Novatians do at Constantinople . . . The Egyptians in the neighbourhood of Alexandria . . . hold their religious meetings on the sabbath [Saturday], but do not participate in the mysteries in the manner usual among Christians ; for after having eaten and satisfied themselves with food of all kinds in the evening making their oblations, they partake of the mysteries. Cap. 24, Theodulf, A.D. 994 : It behoves every Christian that can to come to Church on Saturday, and there hear evensong and nocturns in their proper hour, and come in the morning with an offering to high mass.

(182). Tertullian Apol. c. 39, says service began with prayer. Then followed the agape. The night vigil was kept by (1) ablution and (2) the bringing in of the lights ; (3) each one sang a psalm or a hymn and (4) prayer concluded. *Id.* ad Uxor. II. 4, calls these *nocturnae convocationes* Sidonius Epist. CVII. 9 : Before daybreak we repaired to the tomb to celebrate the anniversary of the martyr . . . . First the vigils were kept. The vigils over we all went forth to stretch our limbs, not however going far ; for we had to meet again at the third hour for the solemn consecration.

(183). Cyprian Ep. 62, 16 : We celebrate the resurrection of the Lord in the morning. Tertullian De Cor. 3 : We take in meetings before daybreak the sacrament of the Eucharist. Cyprian Ep. 62 (Oxf. 63), 15, speaks of "the morning sacrifices." Hieronym. in Math. XXV. : Whence has endured the apostolic tradition that on the vigil of Easter it is not lawful to dismiss the people before midnight, awaiting the Lord's return.

the alternative course was approved of commencing the prayers as well as communicating the people after midnight (184). The regular hours then sanctioned for the solemn oblation were on Sundays the third hour, because at that hour Christ was crucified and the descent of the Holy Ghost took place (185), on ordinary days the sixth hour (186), on fast days the ninth hour (187). The practice still continued of commencing the service directly after sunset on Saturday at the embertides (188), and at the ordination

(184). Leo, A.D. 446, ap. Gratian, 1 Dist. LXXV. c. 4, after saying that the beginning of the night should be chosen for the ordination Eucharist, which dawns upon the first day of the week continues : It will be a like observance of this rule if the ordination Eucharist is celebrated on Sunday morning, there being no difference between this time and the beginning of the night preceding, since without doubt the night preceding is part of Sunday.

(185). Concil. Aurel. III. A.D. 538, Can. 14, ap. Labbé, v. 299, orders that on festivals mass should not begin later than the third hour, so that all may meet again for vespers. Baeda II. 22, A.D. 734 : Tertia hora quando missæ fieri solebant. Pseudo-Telesphorus ap. Gratian III. Dist. I. c. 48, and Lynd. 236, state the reason. Augustin, *Ibid.* III. Dist. I. c. 52. Elfric's Colloquy. Walafrid Strabo. John of Rouen, A.D. 1070, in Bridgett I. 188: Mass according to ancient prescription is said at the third hour, for at that hour Christ was crucified by the tongues of the Jews, but according to daily custom at the sixth hour, for in that He suffered at the hands of the executioners; on fast days at the ninth hour, for then He gave up His soul.

(186). Thus it is related of Egbert, A.D. 750, in Lingard's Anglo Saxon Church, I. 98, that : Sitting on his couch he taught young clerks till noon when he retired to his chapel and offered the Body and Blood of Christ for all. Devoti Inst. Lib. II. Tit. II. § 59.

(187). Theodori Poenit. II. VIII. 5, in H. & S. III. 197, mentions mass at nones on Christmas-Eve. Gratian III. Dist. I. c. 50 : Concil. Brac. II. A.D. 572, Can. 9, says at the ninth or tenth hour. Can. 39, Theodulf, A.D. 994 : In fast-tides let a man after noonsong [*i. e.* 3 p.m.] hear mass, and after mass his evensong . . . If any one cannot come to mass and evensong let him continue fasting till he know that mass and evensong are ended. On Maunday Thursday evening mass is enjoined by Concil. Carthag. III. A.D. 397, ap. Gratian III. Dist. I. c. 49. In Leo's condemnation of the Priscillianists, No. 16, in Concil. Brac. A.D. 561 : If any one on Maunday Thursday at the lawful hour after nones does not say mass let him be anathema.

(188). Leo ap. Gratian I. Dist. LXXV. c. 4, and Dist. LXXVI. c. 12.

on Easter-eve (189), until these eve-services became day-services by anticipation, but the Roman Church still retains the midnight Eucharist on Christmas Eve (190). Matins, which have succeeded to the place of the preparation-prayers, should always be said before the Eucharistic oblation is made (191), and terce also where the obligation exists to say that office (192).

15. In the first days of the Church, the Eucharist was solemnly celebrated at Jerusalem daily (193). After the dispersion of the apostles, the solemn celebration appears to have been ordinarily confined to Sundays (194). On the cessation of persecution some churches followed the example of that of Jerusalem, and had a daily Eucharist (195). Others celebrated the Eucharist only on Sundays and the anniversaries of martyrs. In the East, Saturday was also everywhere kept as a liturgical day (196), and in some places the two station-days, Wednesdays and Fridays (197). A daily Eucharist became the Roman custom

(189). Giraldus in Gemma Eccles. p. 24, A.D. 1190: In sabbato magno circa noctis initium.

(190). Pseudo-Telesphorus ap. Gratian III. Dist. I. c. 48: In the night of the Lord's Nativity priests celebrate masses and sing at them the angelic hymn, because in the same night He was announced by angels to shepherds. . . . At other times masses must never take place before the third hour, because at the same hour our Lord was crucified, and the Spirit was poured forth on the apostles. Cap. 45 Theodulf, A.D. 994.

(191). Lynd. 236.

(192). Elfric's Colloquy, A.D. 990: Afterwards we sang prime and the seven psalms and the first mass, then terce, and we performed the mass of the day. Const. 5, Reynolds, A.D. 1322.

(193). Acts II. 42, 46.

(194). Acts XX. 7 (Conf. XIII. 2). Justin 1 Apol. c. 66.

(195). Cyprian Ep. 53 (Oxf. 57) 3: We who daily celebrate the sacrifices of God. Augustin De Civ. Dei X. 20; Ep. 54 ad Januar.: In some places no day passes without the offering being made to God, in others it is made on the Sabbath and Sunday, in others again on the Lord's day only. Chrysostom, Hom. 51 ad pop. Antioch, speaks of a daily Eucharist at Constantinople. Ambros. Ep. 14 ad Marcell.: For whom I daily renew the sacrifice, implies a daily Eucharist. *Id.* in 1 Tim. c. 3, advises out-dwellers to offer every week, indwellers (*incolae*) to offer twice a week.

(196). Socrates V. 22.

(197). Basil Epist. 289 ad Cæsar. commends those who communicated

in the eighth century (198), the practice being generally followed in the monastic and collegiate churches of the West. In lesser Churches the rule of the thirteenth century requires every priest having a cure of souls, and not being hindered by a canonical excuse (199) to celebrate the Eucharist at least once a week (200), but not to do so more than once on the same day (201), except at Christmas (202) or in case of necessity (203), and by the custom of England at Easter (204); under no circumstances more than thrice (205), and not at all on Good

daily, and states that in his Church the practice was to offer four days a week besides on the anniversaries of martyrs. Duchêsne, p. 222.

(198). In the time of Gregory II. See Duchêsne and Batiffol, Histoire du Bréviaire. Duchêsne, 222, observes that originally at Rome there was a solemn celebration of the liturgy only on Sundays, and other assemblies on Wednesdays and Fridays, but the latter were aliturgical before the fifth century. Liturgical assemblies on Monday and Tuesday were added after the time of Pope Leo (A.D. 440–461), at first during Lent and then at other seasons (p. 224). Ultimately a liturgical assembly was added on Thursday also by Gregory II. (A.D. 715–731) (p. 236, note).

(199). Such as an unconfessed mortal sin. Const. 2 Edmund, A.D. 1236. Const. 5 and 9 Reynolds, A.D. 1322; Concil. Westminster, A.D. 1200, Can. 4: Let no priest presume to celebrate after a lapse till he has confessed.

(200). Justin 1 Apol. 67: Sunday is the day on which we all hold our common assembly. Const. 1, Peckham, A.D. 1281; Theodori Pœnit. I. XII. 1, 2, in H. & S. III. 186; Gemma Eccl. Dist. II. c. 24. The Carthusians celebrated only on feast and profeast days.

(201). Gratian III. Dist. I. c. 53; Egbert's Excerpt, 54, A.D. 940: It is sufficient for a priest to celebrate one mass a day, because Christ once suffered and redeemed the world once; and it is written [Lev. XVI. 1, 2] that Aaron ought not to go assiduously into the holy place. Lynd. 277.

(202). Const. 7 Langton, A.D. 1222; Innocent III. to Bishop of Worcester in Decret. Lib. III. Tit. XLI. c. 3. Lynd. 227.

(203). Innocent III. l. c. Concil. Westminster, A.D. 1200, Can. 2; Const. 3, Langham, A.D. 1367. Necessity, says Lynd. 227, extends to the cases covered by the following lines—

Una dies Missam tantum expostulat unam.
Excipitur certe Defunctus cum Peregrino,
Infirmus commeans, Domini Natalis, et Hospes,
Et Mulier nubens cum tempus labitur illi.

(204). Const. 7 Langton, A.D. 1222. Lynd. 227.

(205). Edgar's Law 37, A.D. 960.

Friday (206). If through accident or carelessness (207) any of the consecrated Elements fall to the ground (208), he should consume what is spilt, scrape the spot and do penance, which he is also enjoined to do if, through his own fault or for any other cause, he is afterwards unwell (209). After the communion he is directed to purify the chalice and his fingers with wine (210), and to consume the ablutions, postponing, nevertheless, the consumption if he has a second Eucharist in prospect (211), and then to cleanse all the vessels thoroughly in water (212).

16. The Eucharist may be celebrated either solemnly or non-solemnly. The solemn celebration was anciently called synaxis, collecta, or the general assembly, the public solemnity of prayer (213), or the canonical office (214). In it all the faithful

(206). Can. 37 Elfric, A.D. 957. The Eastern Church does not allow the Eucharist to be consecrated during Lent, except on Saturdays and Sundays. On other days communion is given with the Presanctified. Concil. Laodic. A.D. 363, Can. 49 ; Concil. Mell. A.D. 692, Can. 52.

(207). Augustin ap. Gratian Caus. 1. Qu. I. c. 99 : How great is the care we take when the Body of Christ is ministered to us that no part of it falls to the ground ! *Ibid.* III. Dist. II. c. 94, prescribes the penances.

(208). Theodori Poenit. ap. Gratian III. Dist. II. c. 27 : If a drop fall to the ground, the priest should lick it up and scrape the floor. If there be no floor, then scrape the ground and burn the scrapings, the priest doing penance for forty days. If the drop be spilt on the altar, he should lick it up, and do penance three days. If it soak through the corporal to the first linen cloth, for four days. If it soak through to the second, for nine days. If it reach the altar-cloth, for twenty days. The cloths themselves should then be rinsed in three changes of water, which should be poured away by the side of the altar. Baedae Poenit. VIII. 2 in H. & S. III. 332.

(209). Baedae Poenit. ap. Gratian III. Dist. II. c. 28, orders a layman to do penance for forty days, a clerk, monk, deacon, or priest for seventy days, and a bishop for ninety days, who vomits after receiving the Eucharist through drunkenness, but only for seven days if it were the result of weakness. Baedae Poenit. VI. l. c. p. 331.

(210). Innocent III., A.D. 204, ap. Decret. Lib. III. Tit. XLI. c. 5. Lynd. 235.

(211). Innocent III. l. c.

(212). Const. 32 Edmund, A.D. 1236. These rinsings were not consumed.

(213). Gratian III. Dist. I. c. 52 : Publica missarum solemnia. Concil. Vas. II. A.D. 529, Can. 3, publicae missae.

(214). Const. 2 Peckham, A.D. 1281 : Let not priests disable themselves

took part as offerers (215); the deacon conducted the ceremonial of the worship; the union of the Church of to-day with the Church of bygone times was kept up by the ceremony of the *Sancta* (216), and the whole body of presbyters joined with their head in consecrating the offering (217). When offered by the bishop of the see together with his clergy, it is termed a solemn pontifical Eucharist; when offered by the archpresbyter of a collegiate or conventual Church, a solemn or conventual Eucharist. A non-solemn Eucharist is one in which a single priest is the celebrant (218). When offered as the canonical office quasi-solemnly by a priest assisted by a deacon and sub-deacon, it is termed a principal or greater Eucharist (219); when offered by a single priest alone, a private Eucharist.

17. Originally only one Eucharist was celebrated in a day (220), and that was solemnly celebrated. Before the middle of the fifth century a repetition of the offering had become the

from discharging their canonical office, by obliging themselves to celebrate special masses.

(215). Clem. 1 Cor. c. 41 : Let each one take part in the thanksgiving (εὐχαριστείτω) according to his own order. Bona Lit. I. c. 13 : Solemn mass, now called conventual, *canonical*, capitular, principal, or greater, is one conducted with music, and the solemn apparatus of ceremonies, ministers, and assistants to the clergy, each exercising the functions of his order together with, in ancient times, the whole body of the people offering and communicating. Guerricus Abbas. Serm. 5 de Purificat. in Ep. Bernardi IV. 1896 : The priest does not sacrifice alone, or consecrate alone, but the whole assembly of the faithful who are present consecrate with him, and offer with him.

(216). The ceremony of the *Sancta* consisted in using for the commixture a portion of the consecrated Loaf reserved from the previous solemn mass. The *fermentum* was similar, and consisted in using for the commixture at a private mass, a portion of the Loaf consecrated by the bishop. See Lib. Pont. Vita Melchiadis. Le Brun III. 189.

(217). See Reichel's Solemn Mass at Rome in the ninth century. Hodges, 1894.

(218). In a public Eucharist the priest says the Gloria in Excelsis, which, before the tenth century, he was only allowed to say on Easter Day ; he also says many prayers which are properly his private devotion.

(219). Bona I. 13, quoted above.

(220). Ignat. Phil. c. 5 : Be zealous to frequent one Eucharist.

custom at Rome on high festivals, to afford all the opportunity of worship (221), and at other seasons the service of consecration was allowed to be repeated by individual presbyters at separate altars for the same object. Such consecrations were distinguished into (1) special (222), (2) votive, or (3) private (223); special when they followed a course of prayer different from the solemn Eucharist, such as a consecration in honour of the Trinity, or of the Holy Ghost, at another time than its own proper season; votive when they were offered by request for some public or private object (224), such as a requiem for the dead; private when they were conducted by a

(221). Leo Epist. II. (al. 81) to Dioscorus, A.D. 445, ap. Gratian III. Dist. I. c. 51. Whenever a more solemn festivity brings together a larger concourse of people, let the offering of the sacrifice be unhesitatingly repeated, . . . so that as oft as the Church in which the service of the day is performed (in quâ agitur) is filled by a fresh congregation, so often another sacrifice may be offered. For some part of the people must needs be deprived of worship if the custom of offering only one mass is adhered to, whereby none can [worship] except those who assemble in the first part of the day. We, therefore, urgently and familiarly entreat you, beloved, that what has rooted itself in our practice from the form of paternal tradition, you also may be careful not to neglect. Honorius III. in Decret. Lib. III. Tit. XCI. c. 11, orders two celebrations in every collegiate church, one for the dead and one for the living.

(222). Pseudo-Augustin ap. Gratian III. Dist. I. c. 52: Care must be taken that special masses (peculiares missas), which are said by priests on solemn days, are not said so publicly, that by them the people are drawn off from the solemn public masses which take place canonically at the third hour. Concil. Seligenstadt, A.D. 1022, in Decret. Lib. III. Tit. XLI. c. 2. Some laymen have a practice of hearing the gospel *In the beginning*, and then attending special masses (peculiares missas) of the Holy Trinity and St. Michael. The Council forbids this for the future. . . . But if they wish to hear such masses, let them on the same day hear masses for the living and the dead [*i.e.*, solemn or public masses].

(223). Bona I. 13; Duchêsne 153, divides all masses into two classes—(1) solemn and stational, (2) special and private.

(224). Const. 5 Winchelsea, A.D. 1305, calls masses for the dead "missae requestae." Concil. Tolet. XVII., A.D. 694, Can. 5, ap. Gratian, Caus. XXVI. Qu. V. c. 13, censures priests who announce a mass for the dead, and then, by a deceitful wish (fallaci voto), offer for one who is alive, in order to expose him to peril.

single presbyter (225) in accordance with the regular course of prayer, but at a different place and hour from the solemn or public Eucharist. Consecrations in all non-collegiate Churches were at first private observances, but when these were elevated to the rank of cures of souls the parochial Eucharist became public, and whenever practicable was celebrated quasi-solemnly.

18. Votive Eucharists are by mediæval rule allowed to be offered quasi-solemnly, *i.e.*, with the assistance of a deacon and subdeacon, whenever the object for which they are offered is of a public character, such as a thanksgiving for deliverance from foes, a requiem for a public person, or a supplication on behalf of a sovereign (226); but they ought not to be offered on festivals or fast-days of the highest degree, such as principal doubles, principal Sundays, Ash Wednesday, the week before Easter, or the vigils of Pentecost and Christmas (227). Votive Eucharists for private objects are allowed in any case of necessity (228), such as a visit from the bishop or founder of a church (229), the celebration of nuptials and espousals, the request of a sick person, and the burial or the anniversary of the dead (230).

19. Special Eucharists are by ancient rule forbidden on solemn days, until the canonical office is concluded (231). Nuptial celebrations are not allowed on Sundays, on principal or greater doubles, nor at the forbidden seasons without a dis-

(225). Walafrid Strabo, A.D. 849, c. 22: Although when a priest offers alone, those for whom he offers are co-operators in the same consecration (actio), whom the priest also represents in certain answers, yet there is no lawful mass without a priest, a responder, an offerer, and a communicant. Micrologus, A.D. 1077, c. 2, in Migne CLI. 979, says the same. See note 78.

(226). Craisson, § 3749.

(227). *Ibid.* § 3721.

(228). Innocent III. to Bishop of Worcester, in Decret. Lib. III. Tit. XLI. c. 3. Lynd. 227 mentions the cases.

(229). Boniface VIII. in Sext. Lib. V. Tit. VII. c. 12.

(230). Tertullian Exhort. ad Cast. c. 11, and Monog. c. 10, speaks of anniversary oblations. Concil. Vas. II. A.D. 529, Can. 3, required the Ter Sanctus to be said at them as well as at the public masses.

(231). See above, note 223.

pensation. Funeral celebrations are forbidden on principal doubles, on the commemoration Sunday after the Epiphany, the dedication feast, the feast of the title, and in the three last days of the week before Easter (232). And since all votive Eucharists are tolerated rather than enjoined services, neither the reserved Eucharist may be dispensed at a funeral celebration (233), nor the Eucharist consecrated at a votice service reserved for the use of the sick.

The Eucharist as a Sacrificial Communion.

20. The Eucharist being not only a sacramental oblation commemorative of Christ's one offering of Himself, and profitable for all as such, but also a sacrificial communion sanctifying those who partake thereof (234), every solemn celebration is regarded as the corporate act of the whole Church, at which the whole court of heaven assist (235), and in which three dis-

(232). Craisson, § 3724.

(233). Congregation of Rites, A.D. 1741, in Craisson, § 3396 ruled: In missis defunctorum non ministratur Eucharistia per modum sacramenti scilicet cum particulis praeconsecratis extrahendo pixidem a custodia. Potest tamen ministrari per modum sacrificii prout est quando fidelibus praebetur communio cum Particulis infra eandem missam consecratis. On 27th June 1868, Congregation of Rites reversed this decision.

(234). Const. I, Peckham, A.D. 1281: The sacrament of our Lord's Body is a sacrament, and a sacrifice of a sacrament, sanctifying those who eat thereof; and a sacrifice which, by its oblation, is profitable for all on whose behalf it is made, the living as the dead.

(235). Gregorii Dialog. IV. 58: For which of the faithful can hold it doubtful that at the very hour of the sacrifice, at the priest's voice, the heavens are opened; that at that mystery of Jesus Christ the choirs of angels are present; lowest things are associated with the highest; earthly things with those of heaven? Baeda Hom. p. 428: Where the mysteries of the Body and Blood are rendered there is the gathering of the heavenly citizens. Cap. 10 Theodulf. A.D. 994: No doubt the presence of God's angels is there, and He Himself full near. Cnut's Law 4, A.D. 1017: As oft as the priest consecrates the Housel, angels glide about the place and guard those holy actions, and assist the priest with a divine power. Const. 5 Reynolds, A.D. 1322. The whole court of heaven is undoubtedly present at the sacrament when it is consecrating, and after it is

tinct classes of persons are interested, viz., (1) the faithful present who themselves offer; (2) the faithful departed for whom an offering is made, and (3) the faithful prevented from being present by sickness, and all other Christians everywhere, including those who yet shall be to the end of time ([236]). Of a private celebration this is only in so far true as it is an integral part detached from the solemn celebration, but every solemn celebration is a continuing representation of Christ's one offering made once for all ([237]) in which all are interested.

21. Every Christian not having a reasonable excuse ([238]) is

consecrated. Devoti Inst. Lib. II. Tit. II. § 66. Comp. Rev. I. 13; IV. 2, 3; V. 6, 8; VI. 9.

(236). Rev. XII. 22: Ye are come to Mount Zion . . . to an innumerable company of angels, to the general assembly and church of the first-born. 1 Cor. XV. 18. The Church of Smyrna's account of Polycarp's martyrdom, A.D. 177, in Euseb. IV. 15: After Polycarp had ended praying, and had in this remembered all that had ever been connected with him, and the whole Catholic Church throughout the world, &c. Origen contra Celsum VIII. 4; Apost. Const. VI. 30, directs singing to be made for all the martyrs and for all the saints from the beginning of the world; VIII. 12, directs intercessions after the prayer of consecration "for the whole Church and for all the saints." Chrysost. Hom. 24 in Math.: The priest bids us make the Eucharistic offering on behalf of the world, of those who have gone before, and of those who are to follow after us." Blickling Homilies, Early English Text Society: The bishop and the priest, if they will rightly serve God . . . must at least once a week sing mass for all Christian people, and for all who have been born from the beginning of the world. . . . And those that are in heaven shall intercede for those who are engaged in the song. And they shall be in the prayer of all earthly folk who have been Christians, or yet may be. See note 45.

(237). Ambros. ap. Gratian III. Dist. II. c. 53: In Christ the victim has been offered once for all, availing to everlasting salvation. But what of ourselves? Do not we offer every day? We do offer, but in remembrance of His death; and the offering is one, not many. How is it one and not many? Because Christ was once offered. But this sacrifice is a representation of that—the same, and ever the same; therefore there is but one sacrifice. Otherwise, seeing it is offered in many places, would there not be many Christs? By no means, but everywhere there is One Christ, here existing in His fulness and there in His fulness. Const. 2, Peckham, A.D. 1281.

(238). Concil. Ensham, A.D. 1009, Can. 20: When he is willing to know

required (1) to participate in the solemn or public celebration (for which ordinarily a private celebration is no substitute) by being present at it every Sunday and high day (239), dressed, not in martial costume (240) but in the best clothes he can command (241), and continuing present until the Lord's Prayer and the Blessing before the communion have been given (242); (2) to communicate, unless he is under disability or is excluded by censure (243); and (3), to take part in the sacrifice by making

his duty. Const. 4, Sudbury, A.D. 1378: Unless he thinks he ought to abstain by the advice of the priest.

(239). Concil. Rothomag. A.D. 650, Can. 14, requires yeomen to cause their foggers (bubulcos) and swineherds to come to Church on Sundays and other festivals; Can. 15 directs them to come to vespers the previous day and to keep vigils. Likewise Can. 35 Elfric, A.D. 957; Can. 24 Theodulf, A.D. 994, permits a man to travel on Sunday provided he has heard mass. Const. 3 Islep, A.D. 1362: Let them reverently go to the parish churches on Sundays and high days, and stay out the conclusion of the masses and other divine offices.

(240). Concil. Aurel. III. A.D. 538, Can. 29.

(241). Chrysostom, Hom. III. in Epist. ad Ephes.; Augustin. Serm. XVII. 6, say wearing best clothes.

(242). Stat. Eccl. Anti. A.D. 505, Can. 24 ap. Gratian III. Dist. I. c. 63: Whilst the priest is preaching in Church, let any one who leaves the auditory be excommunicated. Concil. Agath., A.D. 506, Can. 47, *Ibid.* c. 64: We enjoin that men attend the mass throughout on the Lord's day, so that the people do not leave before the bishop's blessing. Concil. Aurel. I. Can. 28, A.D. 511: Let not the people leave Church before the solemnity of mass is over. Concil. Narbon, A.D. 589, Can. 12, forbids any of the clergy to leave the altar. Egbert's Excerpt, 84, A.D. 740; Concil. Aurel. III. A.D. 538, Can. 29: Let no layman depart before the Lord's Prayer has been said; and if the bishop be present, let his blessing be expected. Concil. Lat. IV. A.D. 1215, in Decret. Lib. III. Tit. XLI. c. 9, speaks of those who do not communicate, and what is worse, are not even present. Stephen's Eccl. Stat. 367.

(243). Apost. Can. 10, ap. Gratian III. Dist. I. c. 62: All those of the faithful that enter [Church] and hear the sacred mysteries, but do not stay during prayer and holy communion, must be suspended as causing disorder in the Church. Concil. Antioch, A.D. 341, Can. 2, and Concil. Martini, A.D. 572. *Ibid.* III. Dist. II. c. 18; Concil. Tolet. I., A.D. 400, Can. 13; *Ibid.* c. 20: Those who come to Church and are found never to communicate should be warned. If they do not then communicate, let them

an offering, unless he is undergoing penance (244). Originally each one received his own share of the hallowed Offering (245), which he partook of standing (246), and was permitted to carry away for private communion (247). Daily Eucharists appear then to have been rare, and were exceptional as late as the sixth century (248). In the fourth century the carrying away

come to penance. Pseudo-Isidor, *Ibid.* c. 10, Cap. 41, Theodulf, A.D. 994: Men ought to go to Housel every Sunday in Lent, also on Thursday and Friday before Easter, and on Easter day.

(244). Concil. Carthag. V. A.D. 401, Can. 10, directs a bishop who fails to attend synod when summoned to be content with the communion of his Church [*i.e.*, to be excluded from making the offering]. Theodori. Poenit. I. XIV. I. l. c. III. 187, says married people, after penance, Communicant cum oblatione. *Id.* I. XII. speaks of De communione vel Sacrificio, but *Id.* I. V. 10, *Ibid.* 181: The synod says of such [penitents] that in the tenth year they may receive the communion or oblation [but not make it, because, until the twelfth year, they were to be extra communionem in the sense of Sacrificium]. Petrus Damiani c. VIII. in Maskell, p. 127: In the words of the canon, Qui tibi offerunt, it is plainly shown that that sacrifice of praise is offered by all the faithful, women as well as men. . . . By the words Hanc oblationem, &c., it is clearer than daylight that the sacrifice which is placed by the priest on the holy altar is offered by the whole family of God.

(245). Justin 1, Apol. c. 67; Augustin ap. Gratian III. Dist. II. c. 58: Unusquisque accipit partem suam. *Ibid.* c. 70, Hieronym.; *Ibid.* c. 77.

(246). Apost. Const. II. 57: After this let the Sacrifice follow, the people standing. Cyril. Catech. 123, no. 22 implies that the Eucharist was received standing. Bona Rer. Lit. 217, § 8, points out that at solemn mass it is still the rule for the deacon to communicate standing.

(247). Acts XX. 7, speaks of the first day of the week as the day of meeting, and Acts II. 42, 46, of a daily *breaking* of the Bread. Tertullian de Orat. c. 19: When the Lord's Body has been received and reserved. Ad Uxor. II. c. 5: Your husband will not know what you secretly partake of before all food. Cyprian de Laps. c. 26, speaks of a woman trying with unworthy hand to open her box in which was the holy Body of the Lord; Socrates II. 43, relates that Bishop Eustathius of Sebaste, A.D. 359, persuaded those who did not like to assemble in Church to communicate at home. The ninth century Ordo ap. Duchêsne 460, states that every priest at his ordination receives from the pontiff a whole consecrated Ubble (firmatam Oblatam) with which he communicates himself for forty days.

(248). Gregory Dial. IV. c. 56, speaks of a daily Eucharist as being unusual in his time. Pseudo-Ambrose, Lib. V. c. 4, De Sacramentis Op. II.

was forbidden, unless persecution were imminent (249); those, however, who did not communicate for three Sundays were excommunicated in the East, and in the West were warned (250).

22. The fulfilment of certain conditions being necessary before communion, the obligation to communicate was reduced in the ninth century to a minimum of thrice a year (251), viz., at Easter, at Pentecost, and at Christmas (252), the Easter com-

378 : Receive daily that which may daily profit thee. Gennadius ap. Augustin VIII. App. 78 : The receiving the communion of the Eucharist daily I neither praise nor blame. Yet I exhort persons to communicate on all Lord's days, provided the mind be not in a disposition to sin. Pseudo-Isidor. ap. Gratian, *Ibid.* c. 10.

(249). Basil Epist. 289, refers the practice to the days of persecution. Ambros. De obit. fratris. Concil. Caesaraugust, A.D. 381, Can. 3 : If any one is proved not to have partaken of the Eucharist received in Church, let him be for ever accursed. Concil. Tolet., A.D. 400, Can. 14 : If any one does not consume the Eucharist, let him be treated as one guilty of sacrilege. Hieronym. Epist. 48, ad Pammechium c. 15, Thiel Ep. Rom. Pont. n. 908, relates that Bishop Dositheus of Thessalonica, in 519, fearing an outbreak of persecution, dealt out the Eucharist in large basketsful to his flock.

(250). Concil. Elib. A.D. 305, Can. 21 : If any one living in the town does not come to Church for three Sundays, let him be excommunicated for a short time that he may be seen to be rebuked. Theodori Poenit. I. XII. I. in H. and S. III. 186 : The Greeks communicate every Sunday, both clergy and layfolk. Those who do not communicate for three Sundays are excommunicated. The Romans likewise communicate such as choose, but those who do not choose are not excommunicated. Concil. Tolet. I. A.D. 400, Can. 13, quoted above, note 243.

(251). Concil. Turon. III. A.D. 813, Can. 50 ap. Gratian III. Dist. II. c. 16 : If not more often, at least thrice a year, let all laymen communicate, unless perchance one be hindered by crimes of any kind. Concil. Ensham, A.D. 1009, Can. 20 : Let him prepare himself to go to Housel thrice a year at least. Cnut's Law 19, A.D. 1017. This appears to have been the Scotch practice, introduced by the northern missionaries. Baeda Ep. ad Egbert in Op. Min. 222, protests against it. Concil. Clovesho, A.D. 747, Can. 23, exhorts men to communicate often.

(252). Concil. Agath., A.D. 506, Can. 18, ap. Gratian III. Dist. II. c. 19 : Let not seculars who have failed to communicate at Christmas, Easter, or Pentecost, be believed to be Catholics, nor be counted among them. Egbert's Excerpt. 38, A.D. 740, Const. 4, Sudbury, A.D. 1378.

munion being imperative, and no excuse allowed (253). Penitents were temporarily reconciled on Maundy Thursday to enable them to fulfil the obligation (254). Infants were communicated after baptism for eight days (255), and then were not afterwards communicated until they were seven years old. The young were, however, admonished to communicate often (256).

(253). Concil. Lat. IV. A.D. 1215, Can. 21 in Decret. Lib. V. Tit. XXXVIII. c. 12: Reverently receiving at least at Easter the sacrament of the Eucharist. Const. 1 Peckham, A.D. 1281; Const. 4 Sudbury, A.D. 1378: Whoever does not confess to his proper priest once in the year, at least, and receive the sacrament of the Eucharist at Easter, let him be forbidden entrance into the Church whilst alive, and be deprived of Christian burial when dead. Lynd. 8, 343.

(254). Concil. Cabil. II. A.D. 813, ap. Gratian III. Dist. II. c. 17: On Maundy Thursday the perception of the Eucharist is neglected by some. But ecclesiastical usage shows that on that very day it should be received by all the faithful (except those to whom it is forbidden for grave crimes), since even penitents are on that day reconciled in order to receive the sacraments of the Body and Blood of Christ.

(255). Ordo S. Amandi ap. Duchêsne, p. 454, describes it as the custom in A.D. 800 to give the communion to infants when they were baptized, and for seven days afterwards. Paulinus Ep. 12, ad Sever. Egbert's Excerpt 41, A.D. 740; Raban. Maur. de Cler. Inst. I. 29. A Saxon constitution in Thorpe II. 392: Ye shall housel children when they are baptized, and let them be carried to mass that they be houselled all the seven days that they are unwashed [*i.e.*, till the removal of the chrism cap. Theodori Poenit. II. III. 3 in Haddan & Stubbs III. 192]. Welsh laws in Haddan & Stubbs I. 273: The bridan [solemn assertion] may be taken from a child of the age of seven, which shall go under the hand of the confessor. *Ibid.* 281: At the end of seven years the child shall swear for his acts, for then he shall come under the hand of the confessor. Willibrord's Judicium Clementis, *Ibid.* III. 227: If any communicate after breaking his fast, let him do penance seven days, but let children be whipped. Henry of Sisteron, A.D. 1250, in Bridgett II. 25: Let priests admonish their parishioners to teach children, from the age of seven and upwards, the Lord's Prayer and the Creed; and on Good Friday bring them to church to kiss the rood, and on Easter day to receive the Body of Christ, having previously confessed. Synod. A.D. 1255, in Martene I. IV. 10, directs that on Easter day the Eucharist be not given to children but only the Benediction bread. Devoti Lib. II. Tit. II. § 48.

(256). Concil. Clovesho, A.D. 747, Can. 23.

Clerical monks were enjoined to communicate monthly (257) and lay brethren eight times a year (258).

23. The conditions imposed on would-be communicants (259) are, (1) that they have been baptized (260), and either have been or are not unwilling to be confirmed (261); (2) that they are not canonically disqualified by being excommunicate or penitents (262), unless they are at the point of death (263); or by being strangers (264), unless they are *bonâ fide* travel-

(257). Concil. Vien., A.D. 1311, in Clem. Lib. III. Tit. X. c. 1, § 2. Constitution of Benedict XII. for Benedictines, A.D. 1337, in Wilkins II. 610. The practice of monthly communions may have originated with the monthly rogation formerly observed in many places.

(258). Viz., Christmas, the Purification, Ascension, Nativity of the Virgin, Maundy Thursday and Easter, Pentecost, All Saints. Bridgett II. 170. Ancren Riwle, p. 16 (Camden Society), forbids anchorites to communicate oftener than fifteen times a year.

(259). Justin 1 Apol. 66, enumerates (1) believing that the things which we teach are true; (2) having been baptized; and (3) so living as Christ has enjoined. Hippolytus IX. 7, mentions it as a crime on the part of Calixtus, that "he indiscriminately offered communion to all."

(260). Justin 1 Apol. c. 66; Lynd. 43.

(261). Concil. 4, Peckham, A.D. 1281; Lynd. 40.

(262). 1 Cor. XI. 27; Hilarius, A.D. 465, ap. Gratian III. Dist. II. c. 15: If sins are not so great as to deserve excommunication, one ought not to separate himself from the medicine of the Body and Blood of Christ. Cyprian de Orat. Dom. c. 18; Theodori Poenit. I. XII. 4, in H. & S. III. 186. Rabanus, A.D. 831, De Cler. Inst. Lib. I. 31: Some say the Eucharist should be received every day unless sin prevents, and they say well if they receive with devotion. But if the crimes are such as to remove the soul as of one dead from the altar, penance must be done first. Elfric's Hom. I. 266. Yet may not he who is polluted with deadly sins dare to partake of God's Housel unless he first atone for his sins. If he do otherwise he will partake to his injury.

(263). Concil. Nic. Can. 13, A.D. 325. Baedae Poenit., A.D. 730, III. 42, in H. & S. III. 329, orders monks and those who can to carry the Host about with them for this purpose to out-of-the-way places. Theodori Poenit. 1 IX. 7, *Ibid.* p. 185, forbids the viaticum to be refused to any. Gratian I. Dist. I. c. 63.

(264). Concil. Nic. Can. 16, Concil. Chalcedon, A.D. 451, Can. 11, Gratian Caus. XVI. Qu. 1. c. 10; Decret. Lib. III. Tit. XXIX. c. 2; Const. 1, Peckham, A.D. 1281: Let no priest give the communion to the parishioners of another without his manifest leave. Ayliffe 475, Const. Giles of Sarum, A.D. 1256,

lers (265) or have letters of commendation (266); or women at certain periods (267); and (3) that they have prepared themselves by fasting (268), unless the bishop has dispensed therewith (269),

in Wilkins I. 704: No one may go to confession or communion out of his parish without permission.

(265). Decret. Lib. III. Tit. XXIX. c. 2; Const. 1, Peckham, A.D. 1281.

(266). Concil. Chalcedon, A.D. 451, Can. 11, mentions two kinds: (1) commendatory letters (συστατικοί), for those labouring under suspicion; and (2) pacific or communicatory (εἰρηνικοί), for those about to travel. Concil. Elib., A.D. 305, Can. 58, directs those who bring communicatory letters to be examined whether they have rightly proved their contents. Concil. Hertford, Can. 5, A.D. 673. See the letters commendatory of St. Boniface in H. & S. III. 302. Dialogue of Egbert Answ. IX. *Ibid.* 407; Concil. Hispal. II., A.D. 619, ap Gratian I. Dist. LXVIII. c. 4, forbids a rural bishop to give them.

(267). Theodori Poenit. I. XIV. 17, in H. & S. III. 188: Mulieres autem menstruo tempore non intrent in ecclesiam neque communicent, nec sanctimoniales nec laicae. Should they presume so to do, let them fast three weeks. According to Innocent III. in Decret. Lib. III. Tit. XLVII., this was not the Roman rule.

(268). Augustin ap. Gratian III. Dist. II. c. 54: It plainly appears that when the disciples first received the Body and Blood of Christ they did not receive them fasting. Is the universal Church therefore to be blamed because they are always received fasting? For it hath pleased the Holy Ghost that in honour of so great a Sacrament, the Lord's Body should enter a Christian's mouth before any other food. And so throughout the world the custom is observed. Concil. Autissiodor., A.D. 578, Can. 19: Neither priest, deacon, nor subdeacon may say mass nor stand in church whilst mass is being said who has partaken of food or drink. Theodori Poenit. II. 1, 2, l. c. p. 190: He who has first eaten let him not stay to the kiss of peace [with which the communion proper commenced]. Willibrord's Judicium Clementis in H. & S. III. 227; Lynd. 22. Modern practice requires not simply an empty stomach, which might be after three hours, but abstinence from food since midnight. Devoti Lib. II. Tit. II. § 49; Craisson § 3450, says that this is a purely human institution.

(269). Chrysos. 1 Hom. in 1 Cor. and Epist. 125 ad Cyriacum, whilst stating that he had never disobeyed this law of the Church, added that if he had disobeyed it he would only have followed our Lord's example. Theodori Poenit. I. XII. 5, A.D. 673, in H. & S. III. 187: If any one has received the Sacrifice after food let him do penance for seven days. It is in the bishop's discretion [to dispense]. The statement that it is in the bishop's discretion is not added by some. Edgar's Law 36, A.D. 960, says: Except it be on account of infirmity.

conjugal abstinence (270), confession (271), and the renunciation of forbidden modes of life (272). On all these points their own word is sufficient evidence (273).

24. In communicating the faithful, the bishop or presbyter is directed to give the Lord's Body, and the deacon to take and give the cup (274), with the prescribed form of words (275), first to the presbyters, then to the deacons, subdeacons, readers,

(270). Concil. Elib. A.D. 305, ap. Gratian III. Dist. II. c. 21: Every man before the Holy Communion should abstain from his own wife for three days, or four, or eight. Augustin *Ibid.* Caus. XXXIII. Qu. IV. c. 2, says several days. Ambros. *Ibid.* c. 3; Hieronym., *Ibid.* c. 1; Theodori Poenit. I. XII. 3 in H. & S. III. 186: The Greeks and Romans alike abstain from their wives for three days before the bread of presentation. [Concil. Araus. A.D. 441, Can. 17.] Edgar's Law 24, A.D. 966; Egbert's Excerpt c. 109, A.D. 740: Let them who are married contain themselves for three nights before they communicate. Can. 43, Theodulf, A.D. 994.

(271). Concil. Clovesho, A.D. 747, Can. 22, Thorpe II. 440: No one ought to receive it without his confessor's leave, to whom he shall previously have confessed. Cap. 44, Theodulf, A.D. 994; Can. 20, Ensham, A.D. 1009; Const. 1 Peckham, A.D. 1281: Let parish priests beware that they give not the Lord's Body to any that have not evidence of having confessed. Const. Giles Sarum, A.D. 1256, in Wilkins I. 704: Let no one presume to approach the Body of Christ on Easter Day, unless he has first confessed. Const. Marsh Dunel., A.D. 1220, *Ibid.* I. 571–582: Let every man prove himself, cleansing and sanctifying himself by confessions.

(272). Such as being actors; Cyprian Ep. 60, A.D. 256, ap. Gratian III. Dist. II. c. 95; Concil. Elib. A.D. 305, Can. 62; Concil. Carthag. III., A.D. 397, Can. 35; *Ibid.* c. 96; or chariot-racers, Concil. Arelat. I., A.D. 314, Can. 4 and 5; Concil. Arelat. II., A.D. 441, Can. 20. Lynd. 344.

(273). Const. 1 Peckham, A.D. 1281. Lynd. 233.

(274). Justin Martyr, 1 Apol. 67; Apost. Const. VIII. 28; Hieronym. ap. Gratian I. Dist. XCIII. c. 16; Concil. Westminster A.D. 1138, Can. 2; Concil. Ebor., A.D. 1195, Can. 6; Const. 1 Langton, A.D. 1223; Ayl. 475.

(275). Apost. Const. VIII. 13: Let the bishop give the Oblation, saying, The Body of Christ, and let him that receiveth say, Amen. And let the deacon give the cup, and when he giveth it say, The Blood of Christ, the cup of life; and let him that drinketh say, Amen. Concil. Rothomag., A.D. 650, Can. 2: Let not the priest place the Eucharist in the hand of any layman or woman, but only in the mouth, saying, The Body and Blood of our Lord profit thee to the remission of sins and life everlasting. Bridgett I. 217, says this was the Roman practice after the 6th century. Devoti, § 51. Euseb. VI. 43, relates that Novatus in the 3rd century, after

singers, and ascetics, next to the deaconesses, virgins, and widows, afterwards to the children (276), and lastly to all the people in order—men first, and women afterwards. Deacons may not give the Lord's Body to presbyters (277), but they may to others (278) if directed so to do, nor may priests take the cup from the altar until it is given to them by a deacon (279). The Church of Portugal in the seventh century introduced the practice of giving the consecrated Bread sopped in the Wine, for which a spoon was generally used. This practice was afterwards followed in the Greek Church, but was forbidden in the West (280). Infants were, however, communicated with the cup only (281).

25. It is usual for men to receive the Eucharist in the right

giving the Eucharist, held the receiver's hands, and did not allow him to partake until he had sworn not to hold communion with Cornelius.

(276). Apost. Const. VIII. 13; II. 57. Cyprian De Laps, c. 9 and 25, relates how the deacon persisted in communicating a child unable to speak, which had partaken of the table of devils and refused to receive it.

(277). Concil. Nic. A.D. 325, Can. 18: It has come to the knowledge of the holy and great synod that deacons, who have not power to make the oblation, administer the Body of Christ to priests who have that power, which neither canon nor custom permits. Let all such practices be done away, and let the deacons receive the Eucharist either from the bishop, whose attendants they are, or from the presbyters, whose inferiors they are.

(278). Apost. Const. VIII. 28: When a bishop or priest has offered, the deacon distributes to the people, not as a priest, but as one that serves. Concil. Elib. A.D. 305, Can. 32: A priest may give him the communion, or a deacon if the priest direct him to.

(279). Pseudo-Hieronym. ap. Gratian 1, Dist. XCIII. c. 23; Priests are not allowed for fear of presumption to take the cup from the Lord's table, unless it be handed them by a deacon. Apost. Const. VIII. 13.

(280). Concil. Brac. III. A.D. 665, ap. Gratian III. Dist. II. c. 7, says that some, to give the communion fully, give the Eucharist sopped in wine. It then forbids the practice. Concil. Clermon., A.D. 1096, Can. 28, forbids it. Concil. London, A.D. 1175, Can. 15: We forbid the Eucharist to be sopped as if the communion by this means were more entirely administered. Christ gave a sop only to that disciple whom He pointed out for a traitor.

(281). Hugo de St. Victor, A.D. 1150, De Offic. Eccl. I. c. 20, in Migne App. 177: If it can be done without danger according to the primitive institution of the Church, let the Eucharist be given to children under the form of the precious Blood. Devoti, § 50.

hand, using the left to make a throne for it (282), and to partake of the cup through an ivory or silver reed (283). Women are forbidden to receive into the naked hand, but should either receive upon a white linen cloth, called a Housel-towel (284) or the Lord's napkin, or else have the Eucharist placed directly in their mouth (285). It was formerly the practice for the assisting presbyters at a solemn Eucharist, after receiving the Lord's Body, to place their hands upon the north part of the altar and to partake simultaneously, and for deacons afterwards to do likewise at the south part of the altar (286). All are directed to approach with reverence and holy fear as to the Body of their King (287), women being veiled as becomes their sex (288), and those who offer to partake in both kinds (289). According to

(282). Apost. Const. II. 57; Cyril. Hieros. A.D. 347, Cat. XXIII.: Approaching, therefore, come not with extended wrists or open fingers, but make the left hand a throne for the right, which is about to receive the king. Letter of Dionysius to Xystus in Euseb. VI. 9. Syn. Trull. A.D. 692, directs reception into the hand. Baeda IV. 29.

(283). See above, note 123.

(284). Concil. Autissiodor. A.D. 578, Can. 36, ap. Labbé VI. 645: A woman may not receive the Eucharist in her naked hand. Caesarius Arelat. Serm. 252 de Temp. (al. 229), Migne XXXIX. 2168: Men, when they are about to approach the altar, wash their hands, and all women display pure white linen cloths (linteamina), on which to receive the Lord's Body. Martene Lib. I. c. 4, art. 10, mentions these. Concil. Autissiodor. Can. 42, requires every woman when she communicates to have dominicalem suum [sc. fanonem]. This Baronius and Mabillon explain to be the Lord's napkin or the Housel-towel, also Duchêsne 214; others suppose it to be a veil. It may be included among the linteamina mentioned Const. 5 Reynolds, A.D. 1322. According to the *Guardian* 287, Feb. 18, 1891, Housel-towels continued to be used in St. Mary's, Oxford, in Newman's time, and were disposed of by him in 1859.

(285). Concil. Rothomag. A.D. 650, Can. 2.

(286). The 9th century Ordo. ap. Duchêsne p. 445.

(287). Cyril, quoted above, note 282.

(288). Apost. Const. II. 57: Let the women approach with their heads covered as becomes the order of women. Ambros. ap Gratian, Caus. XXXIII. Qu. V. c. 19, requires women always to be veiled in Church, because of the bishop, who represents Christ. Theodori Poenit. II. VII. 3, in H. & S. III. 196: Women may receive the sacrifice under a black veil.

(289). The command, Drink ye all of this, was addressed to the same

Roman use, priests and deacons communicated the principal laity and women in their places in church (290), and then the rest came forward to receive. According to the Alexandrian (291) and Gallican (292) use, the laity entered the choir to communicate. According to the Spanish (293), the laity received outside the choir.

26. The growing frequency of private Eucharists in Churches distant from the mother Church had for effect to detract from the position occupied by the solemn Eucharist, and led after the fifth century to a change in the manner in which the people were ordinarily communicated. There being, in lesser Churches, no deacon to take charge of the consecration of the cup, Eucharists celebrated in such Churches appear to have

persons who were bidden to offer this sacrifice (τοῦτο ποιεῖτε), and applies therefore, strictly, to all who offer only. Leo Serm. 4, De Quadrag. states that the Manichaeans refused to partake of the cup. Hence Gelasius, ap. Gratian III. Dist. II. c. 12: We hear that some having received a portion of the Lord's Body abstain from the cup of His holy Blood; let such either receive the entire sacrament or abstain from it altogether, because the division of one and the same mystery cannot take place without great sacrilege.

(290). Syn. Rom. A.D. 826, ap. Gratian III. Dist. II. c. 30, forbids the laity to enter the choir during service. Ordinal of 9th century, ap. Duchêsne, p. 446.

(291). Dionysius Alexandria A.D. 258, in Euseb. VII. 9: Standing at the table he extended his hand to receive.

(292). Concil. Turon. II. A.D. 567, Can. 4: For prayer and communion let the holy of holies be open to laymen and women, as is the custom. Gregory of Tours, Hist. Franc. X. 8; Caesarius Arelat. Serm. 289.

(293). Concil. Brac. A.D. 561, Can. 13. Concil. Tolet. IV. A.D. 633, Can. 18: Let the priests and deacons communicate before the altar, the clergy in the choir, and the people outside the choir. Devoti, § 51, Bridgett I. 37. This was also the African use according to Augustin, Serm. 392, c. 5, but neophytes were allowed to approach the altar, Serm. 225, c. 6. In the Church of Milan the laity communicated outside the choir as appears from St. Ambrose forbidding Theodosius to remain within the palisades of the altar, Theodoret. V. 18. The same appears to have been the Greek practice, from Concil. Laodic. A.D. 363, Can. 19, but the emperor was allowed a place in choir by Concil. Trull. A.D. 692, Can. 69.

been sometimes celebrated without consecrating the cup at all (294). When this omission had been corrected, still, as there was no one in the absence of a deacon to administer the cup to the people (295), communion could only be given in such Churches, to those who desired it, in one kind (296). Among nations much addicted to drunkenness (297) this practice had much to recommend it. It prevented excess (298), or the spilling of the chalice (299), and was also said to have the authority of the Church of Jerusalem in its favour (300). In collegiate Churches, or wherever the Eucharist was solemnly consecrated, the cup still continued to be given until variations from the common practice were discountenanced by the Council of Constance in 1415 A.D. (301). When wine was given to the people in lesser Churches it was, by the rule of the thirteenth century, always the unconsecrated benediction-wine (302).

(294). Concil. Araus. A.D. 441, Can. 17, requires both to be consecrated together, pointing to the existence of a contrary practice.

(295). Iren. Haer. I. 13 ; Hippolyt. Haer. VI. 34, both mention this as the use in their day. Ordo Romanus ap. Duchêsne 178 ; Lynd. 9.

(296). Basil Ep. 289, ap. Thomassin De l'Unité de l'Église II. 513, states that private communion was always in one kind. Const. 1 Peckham, A.D. 1281 : In small Churches it is allowed to none but them that celebrate to receive the Blood under the species of consecrated wine.

(297). Boniface to Cuthbert, A.D. 746, in H. & S. III. 382. Maskell, p. 49.

(298). Baeda, ap. Gratian III. Dist. II. c. 28.

(299). Lynd. 9 gives other reasons.

(300). Cyprian Ep. 74, 6 : All things are not observed among them [at Rome] which are observed at Jerusalem. La Marca Diss. in Syn. Cler.

(301). Devoti, § 50, states that communion in both kinds was usual [in larger Churches] in the time of St. Thomas Aquinas. At Sess. XIII. of the Council of Constance it was decreed that no one might reprobate the Church's use, or introduce communion under both kinds at his discretion.

(302). Const. 1 Peckham, A.D. 1281 : Let priests, when they give the Holy Communion at Easter, or any other time, instruct the people that the Body and Blood of our Lord is given them at once, under the species of Bread—nay, the whole living and true Christ, who is entire under the species of the Sacrament. Let priests, at the same time, instruct them that what is given them to drink is not the Sacrament but mere wine, to be drunk for the more easy swallowing of the Sacrament.

27. Formerly the faithful at rest were individually made partakers of the benefits of the Eucharist by having an offering made on their behalf, and their names presented or read out ([303]) by the deacon from the diptychs or roll of the Church ([304]). They were not, however, allowed to be communicated sacramentally after death ([305]). The practice of reading out names appears to have fallen into disuse with the decline of solemn Eucharists; and, in larger Churches, the names were instead inscribed in a book called the annal-book, album, or book of life which lay on the altar ([306]), and were only collectively

(303). Cyprian Ep. 9, 2: An offering is made for them, and their name is presented. *Id.* Ep. 65 (Cap. 1): It is not allowed that any offering be made by you for his repose, nor any prayer be made in the Church in his name. Innocent, A.D. 416, ap. Gratian III. Dist. l. c. 75: As touching the reading out of names [according to the Gallican practice] before the priest offers up prayer, and commends in his own prayer the oblations of those whose names are to be read out, you yourself must acknowledge how superfluous is the practice, that you should first mention to God, to whom nothing is unknown, the name of one whose host you have not yet offered. In the Mozarabic and Gallican rites, the diptychs were read out after the second principal prayer in the missa fidelium, and before the prayers which correspond with the Roman Canon. Mabillon Lib. I. c. 2. Stat. Eccl. Ant. A.D. 505, Can. 95: Those who withhold offerings for the dead are slayers of the needy. Concil. Aurel. II. A.D. 533, Can. 15: Offerings for the dead who die in any crime we deem may be permitted, provided they have not committed suicide. Theodori Poenit. II. v. 4, l. c. III. 194: It is customary for masses to be said for [deceased] monks every week, and to read out their names. *Id.* I. v. 12, *Ibid.* p. 181: If a priest celebrates mass, and another, in reading out the names of the dead, includes heretics, and the priest afterwards discovers it, let him do penance.

(304). The diptychs were plates of wood or ivory folded into two parts—one containing the names of the living, the other of the dead. At a later time they were folded into three parts. Maskell, Early Liturgy, 124; Tertullian de Cor. Mil. c. 3. Apost. Const. VIII. 41: Let us pray for our brethren that are at rest in Christ. Syn. V. A.D. 553, ap. Gratian, Caus. XXIV. Qu. II. c. 6, says that names may be placed in them after death.

(305). Concil. Carthag. III. A.D. 397, Can. 6; Concil. Autissiodor. A.D. 578, Can. 12.

(306). The book of life is mentioned by St. John (Rev. v. 8). In the Antiquities of Durham (Surtees Society) it is said, There did lie on the high altar an excellent fine book, very richly covered with gold and silver,

remembered in the commemoration of the dead towards the close of the canon ([307]).

28. To enable the absent faithful to participate, portions of the Eucharist were from the earliest times reserved for them. Some of these were carried to the sick by the deacons ([308]) in small wicker baskets and glass vials ([309]). In the Gallican Church the dying appear to have been communicated with the cup only ([310]), but usually the hallowed bread was conveyed, and the sick were communicated by intinction with a sop ([311]).

containing the names of all the benefactors towards St. Cuthbert's Church, from the very original foundation thereof—the very letters of the said book being, for the most part, all gilt. This Liber Vitae, which, for six centuries, lay on the high altar, first at Lindisfarne, then at Chester-le-Street, and, lastly, at Durham, is still extant, and has been edited. Baeda Prolog. 1 ad. Eadfrid: After my death do you for the redemption of my soul, as that of a friend and close companion, offer masses and enter my name among those of your community. Lingard's Anglo-Saxon Church, II. 64.

(307). Florus diaconus De actione missarum, A.D. 853, in Bib. Max Lugdun. XV. 79 says, after the words, "who sleep the sleep of peace," &c., in the prayer, Memento etiam Domine, towards the close of the canon. Maskell, p. 122.

(308). Justin 1 Apol. 67, A.D. 139; Concil. Clovesho, A.D. 747, Can. 26; Edgar's Law 38, A.D. 960: Let the priest have the Housel always in readiness for them that may want it. Gratian III. Dist. II. c. 93; Egbert's Excerpt 22, A.D. 740: That priests have the Eucharist always ready for the sick.

(309). Hieronym. Epist. 125 c. 20: Nihil illo ditius qui Corpus Domini canistro vimineo et Sanguinem portat in vitro. Pellicia II. 10, states that this continued to be the practice up to the sixth century. According to Fridegonde in Acta SS. Benedict. Saec. IV. I. 725, Wilfrid was thus communicated on his death-bed in the seventh century:

> Spiritus ergo viri, Michael repetente, beati
> Vimineo condens Corpus Kyriale canistro
> Exhausit vitro vitalem digne cruorem.

(310). Stat. Eccl. Ant. A.D. 505, Can. 76, ap. Gratian, Caus. XXVI. Qu. VI. c. 8: Et infundatur ori ejus Eucharistia. Concil. Tolet. XI. A.D. 656, Can. 11, mentions a sick man only able to drink the cup, but unable to swallow the Eucharist.

(311). In Eusebius VI. 44, Dionysius of Alexandria, A.D. 285, says: I gave the boy [who came as a messenger] a small portion of the Eucharist, telling him to dip it in water and drop it into the old man's

Other portions were sent by bishops to one another at Easter to keep up communion in the one Body between different parts of the Church ([312]), and by the bishop to his presbyters within the city. This was termed the Fermentum, but to send beyond the city was forbidden in the fourth century ([313]). Others again were reserved for the commixture at the next solemn Eucharist by way of preserving the continuity and intercommunion of the Church of all time. This was called the rite of the Sancta in the Roman Church. The equivalent of the Fermentum and the Sancta in parts of the Eastern Church is the holy leaven used to leaven the Eucharistic bread, which is traditionally derived from the Apostles' times.

29. In the Church of Antioch the Eucharist was reserved in a vessel in the form of a dove ([314]); in the Gallican Church, in that of a tower ([315]); in the Roman Church, in a box called a Eucharistial or new Sepulcre of the Body of Christ ([316]), which was sometimes kept in the sacristy ([317]), hence called

mouth. Baeda IV. 14, A.D. 730, says: Causing also part of the Lord's Oblation to be carried to the sick boy. Leofric Missal, p. 241, A.D. 1040, directs the sick man to be communicated by intinction.

(312). In Euseb. V. 24, Polycrates, A.D. 190, addresses Victor: The presbyters before this sent the Eucharist to those Churches who observed Easter differently.

(313). Concil. Laodic. A.D. 363, Can. 14, forbids the Eucharist to be sent. Innocent I. A.D. 404, Epist ad Decentium 25, c. 5, relates that he sent the Eucharist by acolytes to presbyters in the city, but could not send it to presbyters in outlying villages because of this rule.

(314). Ambros. Ep. 4 ad Felic.; Concil. Const. sub Mena Act 5 in Harduin II. 1319. Golden doves are stated to have been used at Antioch for this purpose. Devoti, § 52.

(315). Gregor. Turon. De glor. Martyr. c. 85; Duchêsne 195. Iren. IV. 36, 2, commenting on Matt. XXI. 33, says that the tower built first was the choice of Jerusalem, but "the beautiful elect tower, raised everywhere" after the wicked husbandmen had been cast out, is the Church.

(316). Martene 257; Lingard, Anglo-Saxon Church, II. 39; Bridgett I. 239.

(317). This appears to have been the Gallican use, Bridgett I. 237. Pseudo-Clemens. ap. Gratian III. Dist. II. c. 23: Priests, deacons, and subdeacons ought with fear and trembling to guard the remains of the Lord's Body. Concil. Matiscon II. A.D. 585, speaks of the remains being in sacrario.

the Housel-porch, at other times in the baptistery (318), or in the infirmary of a monastery (319), or in a close place in the wall of a church (320). After the thirteenth century the reservation was ordered to be in a tabernacle (321), or canopied recess (322), called a ciborium (323), usually placed above the high altar, and within a box called a pyx (324), lined with the whitest linen, and to be kept with care (325) under lock and key (326).

(318). Paulinus Ep. 22 ad Sever.

(319). Baeda IV. 24, relates this of Hilda's monastery.

(320). Lynd. 248, says this was the practice in Holland and Portugal, and was more conformable to the decree of Honorius III. in Decret. Lib. III. Tit. XLI. c. 10, than the tabernacles introduced by Peckham.

(321). Honorius III. in Decret. Lib. III. Tit. XLI. c. 10. Const. 7 Peckham, A.D. 1279, enjoins that for the future a tabernacle should be made in every Church with a decent enclosure, according to the greatness of the cure and the value of the Church, in which the Lord's Body may be laid, not in a purse or bag, but in a fair pyx, so that it may be put in and taken out without any hazard of breaking. Lynd. 248, says that it is the parishioners' duty to provide the pyx, but the incumbent's to provide the tabernacle.

(322). Bridgett II. 87; I. 237, states that tabernacle in later times meant a niche to receive a statue, and was the name given to any recess with a canopy, such as the recess in a reredos. Durandus I. c. 2 and 3, uses it of the pyx.

(323). The ciborium is described as an umbraculum projecting over the holy table, and appears to be the apsidal vault, of which the baldachino is the modern equivalent.

(324). Concil. Ebor. A.D. 1195, Can. 1; Concil. Westminster A.D. 1200, Can. 1; Const. 21 Edmund, A.D. 1236; Const. 7 Peckham, A.D. 1279; Const. 4 Reynolds, A.D. 1322: Let the Holy Eucharist be kept in a clean pyx of silver or ivory, or otherwise as befits the sacrament. This is sometimes called capsa, or repository, or a chrismal.

(325). Theodori Poenit. I. XII. 8, A.D. 673, in H. & S. III. 187: He who loses the sacrament, so that it is devoured by wild beasts or birds, if by accident let him fast weeks, if by negligence, three Lents. Gratian III. Dist. II. c. 90, prescribes sixty days' penance, if through carelessness a mouse consume it; thirty days for letting it fall in Church, if it cannot be found.

(326). Decret. Lib. III. Tit. XLIV. c. 1.; Synod Chichester A.D. 1289, in Wilkins II. 169. Bridgett II. 89, shows that at Liège in 1182 the pyx was locked.

30. Reservation of the Eucharist for subsequent communion, although universal in the ages of persecution, was discountenanced in the fourth century for fear of abuses (327). The custom then was for the unused Particles to be consumed by the priest or by some innocent persons of good life (328). Mediæval canons forbid reservation entirely, except for the communion of the sick (329), for whose benefit it was directed to be made afresh every Sunday (330). The Eucharist thus reserved should not, however, be kept from one year's end to another (331), nor until the particles grow stale (332), nor for more than eight days (333). It should never be denied to the

(327). See note 249.

(328). Evagrius IV. 36: It is an old custom in the imperial city that when there remained over a considerable quantity of the holy fragments of the immaculate Body of Christ our God, boys of tender age should be fetched from among those who attend the schools to eat them. Nicephorus XVII. c. 25, says that when a boy at school he himself frequently partook of those fragments. Concil. Matiscon. II. A.D. 585, Can. 6: Whatever remains of the sacrifices are found in the vestry after mass, let innocent persons be brought to the Church to consume them fasting, on Wednesday or Friday. Syn. Exon. A.D. 1287, in Wilkins II. 132, quoted note 329. Const. Marsh Dunelm, A.D. 1220; *Ibid.* I. 580.

(329). Bridgett Hist. Eccl. II. 85, observes that the practice of reserving particles for communicants at a subsequent celebration was in the Middle Ages unknown. Can. 37, Elfric A.D. 957: That Housel which was hallowed to-day is as holy as that which was hallowed on Easter day. Syn. Exon. A.D. 1287, in Wilkins II. 132: For the sake of the sick, the incumbent must always have consecrated Hosts, which it is strictly forbidden to keep more than 7 days; those that remain are to be consumed on the Sunday before the ablution of the chalice by the celebrant or another priest. Giraldus, A.D. 1180, Gemma Eccl. Dist. l. c. 8: The priest must not presume to consecrate more Hosts than are sufficient for the people, and if any remain over they must not be kept till the next day, except a few for viaticum, but be consumed reverently by the clergy.

(330). Concil. Ebor. A.D. 1195, Can. 1; Concil. Westminster A.D. 1200, Can. 1; Const. 7 Peckham, A.D. 1279; Const. 4 Reynolds, A.D. 1322.

(331). Can. 37 Elfric, A.D. 957.

(332). Theodori Poenit. I. XII. 6, A.D. 673, orders it to be burnt if stale through keeping; Edgar's Law 38, A.D. 960: That the priest take care that the Housel does not grow stale.

(333). Concil. Westminster A.D. 1138, Can. 2.

dying [334], but according to mediæval rule it should be carried to them, not by laymen or women [335], but by the priest vested in surplice and stole, bearing it on his breast [336], with a light in a lanthorn going before him, because He who is the brightness of eternal light is being carried forth [337], and a bell sounding to incite the people to due reverence [338]. In cases of necessity it may be carried by a deacon, or by any one [339], and in such cases consecration is sometimes allowed in the sick chamber itself [340].

(334). Concil. Nic. A.D. 325, Can. 13: If any one is at the point of death let him not be deprived of the last and most necessary viaticum. Theodori Poenit. I. VIII. 5, in H. & S. III. 184; I. IX. 7; *Ibid.* 185: If any priest shall refuse to baptize a sick person commended to him for baptism, or for the viaticum (pro intentione itineris) . . . let him be deposed.

(335). Concil. Rothomag, A.D. 650, ap. Gratian III. Dist. II. c. 29; Can. 6, Theodulf, A.D. 994.

(336). Concil. Rothomag. l. c., Const. Marsh, A.D. 1220 in Wilkins I. 281; Const. Cantilupe, A.D. 1240, *Ibid.* I. 665; Concil. Ebor. A.D. 1195, Can. 2: Let the priest in person carry the Host in a clerical habit, suitable to so great a sacrament, with a light going before. Concil. Westminster A.D. 1200, Can. 1, mentions a cross also. Const. 7 Peckham, A.D. 1281, and Const. 4 Reynolds, A.D. 1322; Lynd. 249.

(337). Wisdom VII. 26; Grosstêste Epist. 52 (Rolls-Series); Const. Quivil. Exon. A.D. 1287, in Wilkins II. 132; Lynd. 249, says: The bell and lanthorn may be fastened to the horse's neck in riding.

(338). Lynd. 249 gives the prayer of due reverence, as:

Salve Lux mundi, Verbum Patris, Hostia vera
Viva Caro, Deitas integra, verus Homo,
Salve Caro Christi, quae pro me passa fuisti,
Intus me munda, Christi Caro, Sanguis et unda.

Or otherwise:

Ave verum Corpus natum ex Maria Virgine,
Vere passum, immolatum in cruce pro homine,
Cujus latus vulneratum vero fluxit sanguine,
Esto nobis praegustatum mortis in examine
O dulcis, O pie, O Jesu, fili Mariae.

Maskell p. 139; Bridgett II. 66, gives others.

(339). Euseb. VI. 44, relates how Bishop Dionysius of Alexandria, in 258, sent the Eucharist by a boy. Can. 16 Elfric, A.D. 957; Concil. Westminster A.D. 1138, Can. 2; Concil. Ebor. A.D. 1295, Can. 6.

(340). See note 90.

IV.

PENANCE.

PENANCE AS THE MINISTRY OF RECONCILIATION.

1. Penance has been defined to be a mystery wherein he who confesses his sins is on the outward declaration of the priest loosed from the guilt of them by Jesus Christ Himself (1). It is called the sacrament of the returning (2), or the reconciliatory imposition of hands (3), a singular remedy for such as have suffered shipwreck from the faith (4), and is described as one of the three kinds of penitence (5), one of the seven means (6)

(1). Catechism of Russian Church.

(2). Const. 6 Peckham, A.D. 1281; Lynd. 43.

(3). Concil. Araus. A.D. 441, Can. 3.

(4). Hieronym. ap Gratian Caus. XXXIII., Qu. 3, Dist. 1. c. 72, repeated Const. 18 Boniface, A.D. 1261: The sacrament of confession and penance is like a plank offered to us after shipwreck, and the last refuge to them that are passing the waves of this troublesome world. Const. 6 Peckham, A.D. 1281: The sacrament of penance is a singular remedy for such as have been shipwrecked.

(5). Augustin ap. Gratian Caus. XXXIII. Qu. III. Dist. 1. c. 81, says there are three kinds of penitence whereby sins are forgiven: (1) that which leads to baptism, (2) the life-long penitence of the baptized, who look forward to eternal life, and (3) penance, such as fasting, almsgiving, and prayer for breaches of the decalogue.

(6). Origen Hom. 2 in Levit., followed by Cap. 36 Theodulf, A.D. 994: Sins are forgiven by seven means: (1) by baptism, which was given for the remission of sins; (2) by suffering, concerning which the Psalm-poet saith, Blessed is the man to whom the Lord imputeth no sin; (3) sins are redeemed by almsdeeds: As water quencheth fire, so doth almsdeed sin [Ecclus. III. 20], and Give alms whereby ye may be clean [Luke XI. 41; 2 Clem. Rom. c. 14]; (4) by forgiving others, as it is said in the Gospel, Forgive, and ye shall be forgiven; (5) by instruction and preaching, as If one converteth a man from wrong to right, he ransoms his soul from death and covers a multitude of sins [James V. 19, 20]; (6) by the true love of God and man, as it is said, The true love of God and man covers the multitude of sins [1 Peter IV. 8]; (7) by satisfaction [penance], as David saith, I ceased from my pride and my misdemeanour and do penance, so I

whereby remission of sins is obtained, and one of the two planks for the salvation of sinners (7). The term penance is, however, used in a wide sense to express three distinct but connected things: (1) The sacrament of penance, or ministry of reconciliation (8), sometimes called the court of penance (9); (2) the remedial power (virtus) or discipline, which is the antecedent condition of reconciliation (10); and (3) the sacrament

have forgiveness [Ps. xxxii. 4, 5]. Barrow De potest. clavium, enumerates five means: (1) preaching, (2) baptism, (3) penance, (4) communion, (5) relaxation of censures; but communion was never allowed as forgiveness of sins except to the dying, and relaxation of censures is another name for penance. Wordsworth, on 2 Cor. v. 19, says that the ministry of reconciliation is exercised in three ways: (1) in preaching, whereby the kingdom of heaven is opened by the key of knowledge; (2) in baptism; (3) in the absolution of penitents. These are called the word, the sacraments, and the ministry.

(7). Tertullian de Poenit. c. 7: Although the gate of forgiveness has been fastened up with the lock of baptism, God has permitted it still to stand somewhat open. In the vestibule He has stationed repentance, the second to open to such as knock, but now once for all . . . never more. Leo, A.D. 452, ap. Gratian Caus. xxxiii. Qu. iii. Dist. 1. c. 49: The manifold mercy of God so succours human failings, that not only by the grace of baptism, but also by the medicine of penance, the hope of eternal life is kept alive. Augustin *Ibid.* Caus. xxxii. Qu. I. c. 7, says that men are either cleansed in baptism or healed in penance. Cap. 36 Theodulf, A.D. 994: Satisfaction [penance] is, as it were, a second baptism; as in baptism the sins before committed are forgiven, so by satisfaction [penance] are the sins committed after baptism. Lynd. 231, 237: The other baptism takes away the guilt and also the punishment.

(8). Hieronym. ap. Gratian Caus. xxxiii. Qu. iii. Dist. 1. c. 70: The Church of Christ is glorious, not having spot or wrinkle. He who is a sinner and spotted with uncleanness cannot be said to be of the Church, nor called a subject of Christ. But it is possible that, as the Church which previously had a wrinkle and spot has been restored to youth and beauty, so the sinner may have recourse to the physician, because The whole have no need of a physician, but they that are sick, that their wounds may be healed, and they may be restored to the Church, which is the Body of Christ.

(9). See below, note 109.

(10). Tertullian de Poenit. c. 9: Confession is a discipline for man's prostration. Hieronym. l. c. c. 72, speaks of the sacrament of (1) confession and (2) penance. Const. 18 Boniface, A.D. 1261.

of anointing or annealing, which is the consummation of the life-long penitence of the baptized.

2. The power of forgiving sins was by Christ committed to His Church ([11]). Hence the bestowal of forgiveness as well by penance as by baptism would seem to make penance a sacrament ordained by Christ ([12]). Nevertheless, since neither the giving of penance, nor the imposition of hands, nor a declaration of absolution are known to have been directly prescribed by Christ for that purpose, these particular modes of giving remission of sins would appear to be an institution of the Church. After a lengthy dispute in the 3rd century as to the possibility of sins unto death being forgiven at all by the Church after baptism ([13]), it was finally ruled that even idolatry, murder, adultery ([14]), and other crimes to which the civil law attached

(11). Matt. XVI. 19; XVIII. 17–19; John XX. 22, 23.

(12). John XX. 23; Heb. XII. 6; Rev. II. 4; 2 Sam. XII. 14; 1 Cor. V. 5; Iren. Haer. I. 6, 3 and 10, 1, speaks of some being holy from their repentance. Leo Epist. 108 (al. 83): The Mediator between God and man, Christ Jesus, hath given this power to the presidents of His Church, that they should both impose penance on those who confess, and should admit the same when purified by wholesome satisfaction, through the gate of reconciliation, to the communion of the sacraments.

(13). There being no second baptism for the remission of sins (Heb. V. 14; Hippolytus Haer. VI. 36; IX. 7), the Novatians, according to Socrates I. 10, contended that "those are unworthy of participation in the divine mysteries who, after baptism, have committed a sin unto death (1 John V. 16); that such indeed should be exhorted to repentance, but must not expect remission from the priests but from God, who is alone able and has authority to forgive sins." Cyprian Ep. 55.

(14). Tertullian de Poenit. c. 4: To all sins God grants pardon by means of repentance. Cyprian Ep. 5 (Oxf. 55), 27: No one is to be restrained from the fruit of satisfaction and the hope of peace. Lactantius VI. 24: It is possible for one who has turned aside to unrighteousness to be brought back and to be set free if he repents of his actions, and turning to better things makes satisfaction to God. Ambros. ap. Gratian Caus. XXXIII. Qu. III. Dist. 1. c. 50: God has excepted no crime, but has forgiven all sins. Concil. Aurel. II. A.D. 533, Can. 20; Concil. Andegav. A.D. 453, Can. 12: Room for repentance is open to all. Yet Concil. Ancyr. A.D. 314, Can. 22, excluded voluntary homicides from communion for life. Tertullian De Pudic. c. 1. A.D. 200, censured Zephyrinus for re-admitting adulterers to communion. Concil. Elib. A.D. 305, also excluded from communion for life for several

the penalty of death, might be forgiven by the aid of the collective prayers of the faithful (15), but not without sharp discipline and satisfaction (16) on the part of the offender. Penance therefore came to be called the baptism of labour, because it cleanses from the guilt of sin, but does not necessarily deliver from its temporal consequences, only substituting for punishment voluntarily undertaken labours (17).

3. In the early days of the Church both the avowal of sin, the discipline imposed to cleanse from its effects, and the reconciliation took place openly and solemnly. It was then permitted, both for avoiding scandal to others and also in order to induce those guilty of excesses the more readily to come to repentance, to deal with private offences privately, whilst open penance was still reserved for open sins (18), and such

crimes. To the crimes named above, Concil. Epaon. A.D. 517, Can. 31, and Cap. Theodulf ap. Gratian Caus. XXII. Qu. I. c. 17, added perjury.

(15). Math. XVIII. 19; Tertullian De Pudic. c. 2: Where there is the efficacious power of making request, there likewise is that of remission; where there is no power of making request, there is none of remission. *Ibid.* c. 13; Cyprian Ep. 39 (Oxf. 43), 2: By prayers and supplications, with long and continual satisfaction, the Lord must be appeased.

(16). Concil. Laodic. A.D. 363, Can. 2, ap. Gratian Caus. XXVI. Qu. VII. c. 4: To such as have fallen into various sins, and by prayer, confession, and penitence prove conversion from their evil ways, let a time of penance be appointed according to the quality of the sin, because of the mercy and goodness of God. Chrysost. Hom. I. post Pent.: Thus after baptism sins are purged away with much pain and labour. Blickling Homil. I. 292: No man can be baptized twice; but if a man go wrong after his baptism, we believe that he may be saved if he sorroweth for his sins with tears, and do penance for them as his teacher shall instruct him.

(17). Loening Kirchengeschichte I. 248: Penances are not punishments, but means for avoiding punishment. Saxon Homil. in Soames 303: Penance (deadbot) with cessation from evil . . . and holy prayers heal and medicine the soul.

(18). Iren. Haer. I. 13, 7: Some make a public confession of their sins, but others, ashamed to do this, have apostatised altogether. Augustin ap. Gratian Caus. II., Qu. I. c. 19: Those sins which are committed in secret must be censured in secret. Leo, A.D. 459, *Ibid.* Caus. XXXIII., Qu. III. Dist. I. c. 89: Albeit the plenitude of faith appears laudable, which for the fear of God is not ashamed to blush before men, yet, since all sins are not of a kind to bear publication by those who ask for penance, let the

other private sins as the confessor might appoint. A presbyter, called a penitentiary (19) or general confessor, was appointed to act for the Church, to hear the confessions of offenders, to prescribe the period and nature of discipline according to the received rules (20), to pray for the guilty ones, or to direct them to seek the corporate prayers of the Church as penitents (21),

custom which cannot be approved (improbabilis) be removed, lest many should be deterred from the remedies of penitence. . . . That confession suffices which is offered first to God, and then to His priest who acts as an intercessor for the sins of penitents. More then will be induced to have recourse to penance, if the conscience of him who confesses is not laid bare to the ears of the public. Concil. Ticin. A.D. 850, Can. 6: That such as have sinned in secret confess to those whom the bishops and arch-priests of flocks have selected as suitable physicians for the secret wounds of souls. Lynd. 127; Innocent III., A.D. 1199, in Decret. Lib. I. Tit. IV. c. 3, forbids the consulting of the general community.

(19). There appear to have been two classes of presbyters—(1), teaching presbyters, who are mentioned by Cyprian Ep. 23; and (2), penitentiary presbyters. Sozomen VII. 16, relates that this was the practice among all Churches and sects. The office of penitentiary was abolished at Constantinople in 389 A.D., under circumstances related by Socrates V. 19. Ambros. ap. Gratian Caus. XVI. Qu. 1. c. 21, recognises it as one of the duties of presbyters to give penance; also Gregory, *Ibid.* c. 23. Concil. Clovesho, A.D. 747, Can. 11, names judging [*i.e.*, giving penance] as one of the presbyter's three duties. Lynd. 341, 326, says the necessary qualifications to make a good confessor are, (1) a retentive memory to carry the past; (2) forethought to anticipate the future; (3) knowledge of human nature; (4) skill in applying remedies; (5) willingness to learn from others; (6) discretion to distinguish good from evil; (7) personal holiness, without which discretion is impossible.

(20). Concil. Carthag. III. A.D. 397, ap. Gratian Caus. XXVI. Qu. VII. c. 5: Let the times of penance be awarded penitents, according to the difference of their sins, by the bishop's discretion. Concil. Nic. A.D. 325, Can. 11, ordered twelve years for the greatest sins, which, in the Western Church, were reduced to seven years. Leo A.D. 458, ap. Gratian Caus. XXVI. Qu. VII. c. I.: The times of penance must be awarded with discretion.

(21). Origen. Hom. II. in Ps. 37: Scripture teaches us that we must not conceal the sins we have committed. . . . But be careful to choose well the person to whom you disclose your sins. . . . If he decides that your evil is such that it ought to be exposed and treated before the assembly, . . . be obedient to the experienced counsels of this chosen physician of your soul.

and at the end restore them, if found deserving, under the bishop's direction ([22]).

4. The duties of the penitentiary were always considered the most difficult of sacerdotal duties, (1) because in weighing the moral guilt of sin so many circumstances have to be considered, such as the sex, age, condition, position in life, the mind and general habit of the offender ([23]), which involves discretion; and (2) because in prescribing discipline penances have to be awarded, not merely by way of satisfaction for the injury done to the outward holiness of the Church, which is the

(22). Herard of Tours, *Ibid.* Caus. XXVI. Qu. VI. c. 4: Let priests reconcile penitents, in respect of secret sins, by the bishop's direction. Ayliffe 19, 21.

(23). Iren. Haer. IV. 1, 1: It is impossible for one to heal the sick if he has no knowledge of the disease. Augustin, *Ibid.* Caus. XXIV. Qu. 1, c. 21: Let us not apply treacherous balances—weighing what we wish, how we wish, at our own caprice. Leo, A.D. 458, *Ibid.* Caus. XXVI. Qu. VII. c. 1: The times of penance must be determined by your judgment, according as you observe the mind more or less devout, having regard, moreover, to old age and all kinds of perils, and considering the necessities of health. Baedae Poenit. A.D. 730, in H. & S. III. 327: Exhorting every discreet priest of Christ carefully to discriminate the sex, age, condition, state, the person of the penitent, and his heart. Egbert's Poenit. A.D. 766, *Ibid.* 417: All, therefore, are not to be weighed in the same scale, although they are detected in the same offence, but a distinction must be drawn between rich and poor, freedmen and slaves, &c. Nicolaus I. A.D. 864, ap. Gratian l. c. c. 3: Because all crimes are not equal . . . we must leave this to your decision, seeing you can investigate the place and times of religion, the degree of the fault, and the repentance, and the sighs, of those who come to confess. Syn. VIII. A.D. 869, *Ibid.* c. 7: A time of penance must be awarded commensurate with the quality of the offence. Can. 31 Elfric, A.D. 957; Can. 3, 10, 11, Dunstan, A.D. 963; Concil. Ensham A.D. 1009, Can. 22: Distinctions are discreetly to be made between the old and the young, the wealthy and indigent, the firm and the infirm, and every rank, both in religious shrift and in worldly corrections. Alexander III. to Bishop of Exeter, in Decret. Lib. V. Tit. XII. c. 6; Concil. Westminster A.D. 1200, Can. 4: In administering penance we charge that priests, according to the canons, diligently consider the circumstances, the condition of the person, and of the sin, as also the time, place, and occasion, together with the backwardness or devotion of the penitent. Lynd. 212, 261, 68.

province of public discipline, but also as tests of repentance ([24]) and aids to purification from sin ([25]), which is the principal consideration in private discipline. Accordingly a special branch of canon law, called casuistry ([26]) or moral theology, is devoted to this subject, and individual penitentaries are required to exercise their office strictly in accordance with the general rules prescribed by the Church.

5. Under the parochial system the duties of the penitentiary were, with certain restrictions, committed to all incumbents having a cure of souls ([27]), and in consequence express words giving them power to remit and retain sins ([28]) were introduced at the end of the office for the ordination of priests. Rules for their guidance were at the same time laid down in so-called penitentiaries ([29]). All the graver sins and more difficult cases

(24). Augustin ap. Gratian, Caus. XXXIII. Qu. III. Dist. l. c. 84: The measure of grief, rather than of time, must be considered in awarding penances. Epist. v. c. 1, states that satisfaction is made, not so much by the penances themselves, as by the submission to them. Concil. Clovesho, A.D. 747, Can. 27; Egbert's Poenit. XVI. in H. & S. III. 431; Lynd. 231, 336; Innocent III. in Decret. Lib. v. Tit. XXXVIII. c. 8; Lynd. 231, 336.

(25). 1 John III. 3.

(26). Casuistry is, properly speaking, the choice between conflicting duties which determines the relative guilt of sins. Thus Augustin ap. Gratian Caus. XXXIII. Qu. II. c. 9, says: Since, by the law of Christ, it is alike forbidden to kill an adulteress, and to marry another in her lifetime, both must be abstained from. But if he will do one which is not allowed, let him rather commit adultery by marrying another in her lifetime than commit murder.

(27). Concil. Paris, A.D. 829, Can. 29, forbids mass-priests to absent themselves from their churches, lest children should die unbaptized, or adults unshriven. Elfric, Can. 31, A.D. 957: The priest shall likewise with discretion enjoin penance. The shrift referred to in Dunstan, Can. 4, 16, 54, 71, A.D. 963 and Cap. 31 Theodulf, A.D. 994, is the mass-priest.

(28). The words, Whosoever sins ye remit, &c., were added in the 13th century, after the ordination Eucharist was concluded.

(29). Euseb. VI. 44, says that Dionysius, Bishop of Alexandria, A.D. 250, wrote a book on degrees of faults. Penitentials exist of Gildas, A.D. 570, in H. & S. I. 108; of Theodore, A.D. 673, *Ibid.* III. 180; of Baeda, A.D. 730, *Ibid.* 326; of Egbert, A.D. 750, *Ibid.* 423; Alfred's Law, A.D. 877: Holy bishops in many synods have settled the satisfactions due for many human crimes, and have in synodical books commanded to be writ down in what case one doom, in what another.

were nevertheless reserved for the bishop (30) or his penitentiary to deal with, except at the hour of death (31), and those greater crimes for which the canons forbid individual bishops to give penance were reserved to the metropolitan, or to the greater metropolitan, the pope, as representing the Church at large (32).

6. The crimes which by mediæval constitutions are reserved to superiors (33) include murder (34), sacrilege (35), unnatural crime (36), incest (37), violence to consecrated virgins (38), violence to parents (39) or lesser clerks (40), perjury (41), breach of

(30). Concil. Elib. A.D. 305, Can. 32: If any one by a grave lapse has fallen into the ruin of death, penance may not be done before a presbyter, but only before the bishop. Cyprian Ep. 12: Those who have received certificates from the martyrs, . . . if they should be seized with peril of sickness, let them, without waiting for my presence, before any presbyter who may be had, or if a presbyter should not be found and death be imminent, before a deacon, make confession of their sin. Concil. Winton. A.D. 1071, Can. 11: That bishops only give penance for gross sins. Const. 16 Edmund, A.D. 1236; Devoti Inst. Lib. II. Tit. II. § 85; Lynd. 340.

(31). Cyprian Ep. 12; Concil. Westminster A.D. 1138, Can. 10.

(32). Cyprian Ep. 31, mentions cases which he must consider with a common council. Concil. Nic. A.D. 325, Can. 5 and 8; Dunstan, Can. 38, A.D. 963: If one slay an ecclesiastic, or his own nearest kinsman, let him leave his country and estate and do as the pope directs. Cnut's Law 12, A.D. 1018: If an altar-thane be a man-slayer, . . . let him go away as far in pilgrimage as the pope enjoins. Const. 16 Edmund, A.D. 1236: But there are cases in which the pope alone has power to absolve. The Dimetian Laws in H. & S. I. 279: If a traitor return with a letter showing he is absolved by the pope he is to have his patrimony.

(33). Can. 12 Dunstan, A.D. 963, says any capital crime.

(34). Theodori Poenit. I. IV. 5, in H. & S. III. 180: If one kill a clerk he is in the bishop's judgment. Const. 16 Edmund, A.D. 1236; Const. 7 Peckham, A.D. 1281.

(35). Const. 16 Edmund, including sorcery. Concil. Westminster A.D. 1200, Can. 7.

(36). *Ibid.*

(37). *Ibid.* Const. 17 Peckham, A.D. 1281.

(38). *Ibid.*

(39). *Ibid.*

(40). *Ibid.* Theodori Poenit. A.D. 673, in H. & S. III. 180.

(41). Athelstan's Law 7, A.D. 925; Cnut's Law 25 A.D. 1018; Concil. Ebor. A.D. 1195, Can. 7; Concil. Westminster A.D. 1200, Can. 7.

vows (42), arson (43), all the excesses condemned in general sentences of excommunication (44), knowingly using false weights (45), neglect of clerical dress (46), disobedience to the rules as to clerical stipends (47) and preaching (48), molestation in tithe-taking (49), clandestine marriages (50), and assaults committed in churchyards (51). Most of these excesses are in the southern province allowed to be dealt with by the bishop or his penitentiary (52), but heresy is by English rule reserved to the archbishop (53); and some crimes are reserved to the pope only (54), such as killing or offering violence to one in holy orders, a monk or a nun (55), burning a church (56), falsifying a papal bull, or knowingly using one falsified (57), communicating with one excommunicated by the pope, or partaking in crime with such a one (58), and holding a plurality of benefices without a dispensation (59). In the northern province all the thirty-six

(42). Const. 16 Edmund, A.D. 1236.

(43). Concil. Westminster A.D. 1200, Can. 7.

(44). Const. 1 Stratford, A.D. 1343.

(45). Const. Chichele, A.D. 1430.

(46). Const. 2 Stratford, A.D. 1343.

(47). Const. 1 Sudbury, A.D. 1378.

(48). Const. 1 Arundel, A.D. 1408.

(49). Const. 7 Mepham, A.D. 1328: We reserve the absolution of them to the diocesan of the place. Const. 4 Stratford, A.D. 1343.

(50). Const. 7 Zouche, A.D. 1347.

(51). Const. 1 Bourchier, A.D. 1463.

(52). Const. 16 Edmund, A.D. 1236, mentions the bishop's penitentiary; also Concil. Ebor. A.D. 1195, Can. 17; Const. 5 Otho, A.D. 1237; Const. 2 Langham, A.D. 1367; Const. Chichele, A.D. 1430.

(53). Const. 1 Arundel, A.D. 1408; Const. 6 Winchelsea, A.D. 1305, Lynd, 284, 294.

(54). Const. 16 Edmund, A.D. 1236.

(55). See *Excesses*, § 20; Concil. Westminster A.D. 1138, Can. 10: Let him be struck with anathema that kills a clerk, monk, nun, or lays violent hands on such. Let none but the pope give him penance at the last, unless in extreme danger of death.

(56). Lynd. 328.

(57). *Ibid.*

(58). *Ibid.*

(59). Const. 13 Otho, A.D. 1237; Const. 1 Peckham, A.D. 1279; Const. 24 Peckham, A.D. 1281: We cannot dispense in cases of pluralities.

greater crimes are reserved to the archbishop or his penitentiary (60).

7. The essentials of penance considered as the ministry of reconciliation are penance or discipline as the remote matter, the giving of penance or prescribing of discipline together with the imposition of hands (61) as the proximate matter, and the prayer of the Church that the discipline may avail through the Holy Ghost (62) to intensify repentance, so as to obtain God's forgiveness as the form (63). As the imposition of

(60). Const. 5 Thorsby, A.D. 1363 : Whereas rectors, vicars, and priests do admit their parishioners to confession without exception or making any distinction between lesser and greater crimes. . . . We will make it appear in brief what these greater crimes are which we reserve to ourselves and our penitentiary, that, in cases where the absolution belongs to us, we may absolve penitents.

(61). Augustin Ep. 149, 16 : Intercessions are made when the people are blessed ; for then the prelates, like advocates, by means of the imposition of hands, present them to the all-merciful Majesty.

(62). Elfric. Hom. 17 Dom. post. Pent. in Thorpe, I. 500 : There is no forgiveness of sins but through the Holy Ghost.

(63). Epist. Clem. 57 : Submit yourselves to the presbyters and receive correction so as to repent. Euseb. III. 23 relates how St. John said to the robber, I will intercede with Christ for thee. . . . But the apostle, pledging himself and solemnly assuring him that he had found pardon for him in his prayers at the hands of Christ, praying on his bended knees, and kissing his right hand as cleansed from all iniquity, conducted him back to the Church. Cyprian, De Laps. c. 16, complains of some being admitted to communion "before their sin is expiated . . . before their conscience has been purged by the prayers made at the sacrifice, and by the hand of the priest." Morinus, De Adm. Poenit. Lib. XIII. 3, shows that the precatory form was used up to the 12th century in both East and West. Apost. Const. II. 41 : So do thou let all join in prayer for the offender. Pseudo-Isidor. ap. Gratian Caus. I. Qu. I. c. 91 : Priests intercede for the people and consume the sins of the people, because by their intercessions they do away with them. Ayliffe 201. The prayer in the Visitation of the Sick, O most merciful God, etc., is the old reconciliatio penitentis ad mortem (in Martene III. c. 15 ; Palmer's Orig. II. 227), which accompanied the imposition of hands. Hence, in the usual form of confession, the Anglo-Saxon for instance in Soames, p. 295, the penitent says at the end : And I pray thee humbly, who art my ghostly father, to intercede for me.

hands is the outward sacramental sign whereby the effect of the Church's prayers is imparted to the individual, it is held by some to be the only sacramental matter (64). Others, again, maintain that since a declaration of absolution has been subjoined to the prayer for forgiveness, this declaration alone without any other outward sign constitutes the sacramental matter (65). It must be remembered that the imposition of hands in penance as formerly practised was twofold. There was (1) the oft-repeated penitential laying on of hands, given by the bishop with uplifted hand to penitents every fasting season, whilst he publicly said over them the prayers called benedictions (66); and there was (2) the reconciliatory laying on of hands (67), which he gave at the close of penance by signing them with the sign of the cross (68). By the

(64). Liebermann, Inst. Theol. VI. 532.

(65). Scotus in 4 Dist. XIV. 4 and Dist. XVI. Qu. I; Maldonatus De Poenit. III. Qu. III. Thes. 7.

(66). Leo, A.D. 458, ap. Gratian I. Dist. L. c. 67: By the imposition of hands they receive the remedy of penance (poenitendi). Stat. Eccl. Ant. A.D. 505, Can. 80: Let hands be laid by priests on penitents every fasting season. Concil. Tolet. III. A.D. 589, Can. 11, quoted below, note 96. See *The Sacraments*, § 25.

(67). Stat. Eccl. Ant. A.D. 505, ap. Gratian Caus. XXVI. Qu. VI. c. 8: Let not penitents who have received the Eucharist in sickness consider themselves absolved without the imposition of hands. Leo, *Ibid.* c. 10; Concil. Araus. A.D. 441, Can. 2, *Ibid.* c. 7: Those who are excluded from the Body whilst undergoing penance may communicate without the reconciliatory imposition of hands, which suffices for the reconciliation of the dying according to the definition of the fathers, who appropriately call such communion the provision for the journey. But if they survive let them remain in the position of penitents. *Ibid.* c. 14; Apost. Const. II. 41: Restore him by imposition of hands to his ancient place among the flock. Stat. Eccl. Ant., Can. 76, says that if a sick man becomes unconscious after asking for penance, he shall be reconciled by the imposition of hands. Concil. Tolet. XI. A.D. 656, Can. 12, directs a priest to give penance to the dying by the imposition of hands, and forthwith to give him reconciliation. See note 101.

(68). Const. 6 Peckham, A.D. 1281: We forbid all such confessors to stretch out their hands for the future to deceive [such excommunicates] by the sign of absolution. This, Thom. Aquin. Pars ult. Sum. Qu. 84, art. 4, says, is signing with the sign of the cross. Lynd. 388.

penitential laying on of hands the benefit of the prayers of the faithful for the purifying effects of penance are communicated to the penitent. By the reconciliatory laying on of hands he is readmitted to communion as one whose forgiveness has been obtained from God by the intercession of the Church.

8. The proper minister of penance is a priest (69), either a bishop or a presbyter—a bishop to give solemn, a presbyter to give private penance. A presbyter may give the penitential laying on of hands to solemn penitents, but he is forbidden to reconcile them publicly (70), and he may give neither imposition of hands to a priest or deacon (71). The ministry of reconciliation being a corporate act effected by corporate prayer, no bishop or presbyter can validly exercise it except one who has jurisdiction (72). Such is the bishop of the see, the dean of a

(69). Ambros. De Poenit. l. c. 1, ap. Gratian, Caus. XXXIII. Qu. III. Dist. I. c. 51: This right is only intrusted to the priests. Theodori Poenit. II. II. 15, in H. & S. III. 192: It is not allowed to a deacon to give penance, but a bishop or a presbyter ought to give it. Concil. Westminster A.D. 1200, Can. 3: A deacon may not give penance.

(70). Concil. Elib. A.D. 305, Can. 32; Concil. Arelat. II. A.D. 442, Can. 26; Concil. Araus. A.D. 441, Can. 1; Concil. Agath. A.D. 506, Can. 44: It is not lawful for a presbyter to reconcile a penitent in church. Concil. Hispal. II. A.D. 619, Can. 9.

(71). Leo, l. c. It is contrary to ecclesiastical discipline that those who are placed in the honour of the presbyterate or the degree of the diaconate should receive the remedy of penance by the imposition of hands, because it is written: If a priest go wrong, who shall intreat for him? (1 Sam. II. 25). Leofric Missal, p. 239: Presbyter reconcilians presbytero manum superponere non debet.

(72). Concil. Lat. IV. A.D. 1215, Can. 22 in Decret. V. Tit. XXXVIII. c. 12; Clement III. *Ibid.* Tit. XXXIX. c. 21; Const. 6 and 8 Peckham, A.D. 1281; Lynd. 337 and 344 enumerates as having jurisdiction: (1) the parochial incumbent, (2) the parish priest and his deputy in spirituals, (3) the pope, (4) the bishop, (5) the bishop's penitentiary, (6) the pope's legate or his penitentiary, (7) the bishop's vicar-general; Lynd. 327, 341, 344. A regular, if in charge of a parish, may by privilege receive confessions, but because he cannot be a prelate by virtue of his profession he cannot be considered a proper priest. Devoti, Lib. II. Tit. II. § 83, observes that all other sacraments may be validly administered by one

cathedral or collegiate church, the incumbent of a parish, the rural dean of a deanery, or an authorised diocesan confessor (73), each only for his respective subjects; in the case of a bishop, the metropolitan (74). All of these may delegate their office to some other priest by consent (75), and no one can choose a confessor without his superior's leave (76), except exempt prelates (77) and bishops who rank as such. In cases of necessity, nevertheless, recourse may be had to any priest (78), not excepting a heretic (79), and in extreme emergency con-

who has order without jurisdiction, but that penance without jurisdiction is a nullity. Lynd. 342 says that a strange priest's absolution has the same effect as a layman's. Perrone Praelect. 200; Hutton's Anglican Ministry, p. 212.

(73). Concil Ebor. A.D. 1195, Can. 17, mentions the general confessor in accordance with the decree of 4th Lateran Council, Can. 22 l. c. Const. 19 Langton, A.D. 1222; Const. 5 Otho, A.D. 1237, direct the appointment of general confessors. Const. 8 Peckham, A.D. 1281; Const. 10 Reynolds, A.D. 1322; Stapeldon of Exeter's Regist. p. 113 shows commissions given in each archdeaconry to certain clergy to hear the confessions of ecclesiastical persons in common cases, and others granted to a few to hear confessions in greater cases.

(74). Concil. Tolet. XIII. A.D. 683, Can. 10: Whatever bishop shall receive penance by the imposition of hands . . . let him be reconciled by the metropolitan.

(75). Const. 5 Winchelsea, A.D. 1305: That priests do not hear confessions unless they do it by leave of the president.

(76). Concil. Lat. IV. in Decret. Lib. V. Tit. XXXVIII. c. 12: If for any just cause he wishes to confess to a strange priest, let him first ask for and obtain leave from his own proper priest, since otherwise the former cannot bind or loose him. Const. 6 Peckham, A.D. 1286, Decret. Lib. V. Tit. XXXIX. c. 29.

(77). Gregory IX. in Decret. Lib. V. Tit. XXXVIII. c. 16, allows bishops and exempt prelates to choose their own confessors, but Boniface VIII. in Sext. Lib. V. Tit. X. c. 2 declares that this permission does not extend to the reserved cases. Const. 5 Winch. A.D. 1305 says not a stipendiary priest, and Const. 8 Peckham, A.D. 1281, says not the common confessors in cathedrals.

(78). Coelestin, A.D. 428, ap. Gratian Caus. XXVI. Qu. VI. c. 12, 13; Theodori Poenit. I. VIII. 5 and I. IX. 7, in H. & S. III. 184, 185: If any priest should refuse penance to the dying he is guilty of souls. Concil. Westminster A.D. 1200, Can. 7.

(79). Augustin ap. Gratian Caus. XXIV. Qu. 1. c. 40.

fession to deserve forgiveness may be made to a deacon (80), a layman (81), or to God only (82).

9. A priest is directed to receive a confession with his face and eyes towards the ground, and not to look in the countenance of the penitent; to listen patiently and support him in the spirit of kindness, enjoining him to make a full confession; to ask questions as to common but not as to uncommon sins (83), lest he should suggest evil, and never to inquire the names of accomplices (84). Whatever is told him under the seal of confession he is forbidden under any circumstances to disclose by signs, nods, or winks (85); and if guilty of sin with

(80). Cyprian Ep. 12 (quoted note 30); Ambros. ap. Gratian Caus. XXXIII. Qu. III. Dist. l. c. 51; Const. 1 Langton, A.D. 1223; Const. 12 Edmund, A.D. 1236: We charge that deacons presume not to administer penances or baptism but when the priest is not able. Lynd. 243; Devoti, § 82.

(81). Gratian Caus. XXXIII. Qu. III. Dist. I. c. 88, § 2: If no priest be there, let him confess to his neighbour. Augustin *Ibid.* Dist. IV. c. 36: When shipwreck was impending there was only one Christian on board, and he a penitent. One of the sailors, mindful of his salvation, earnestly prayed to be baptized, and there was no one to baptize him save the penitent. The penitent had indeed received baptism, but had lost his holiness by the sin for which he was doing penance. . . . He accordingly gave what he had received, and then not to pass out of life unreconciled he prayed reconciliation from the sailor whom he had baptized and received it. *Ibid.* Dist. VI. c. 1; Morinus, De Poenit. Lib. VIII. c. 24; Martene, De Antiq. Eccles. Rit. Lib. I. c. 6, art. 6 § 8; Ayliffe, 21. Albertus Magn. in Lib. IV. Sent. Dist. 17 art. 58. Thomas Aquinas in Lib. IV. Dist. 17, Qu. 3, art. 3: In case of necessity a layman can discharge the office of priest, so that confession may be made to him. Joinville, Life of St. Louis, is an instance.

(82). Theodori Poenit. I. XII. 7 l. c. 187: Confession may be made to God only in case of necessity. Concil. Tribur, A.D. 895, Can. 31.

(83). In Cyprian Ep. 30, 7 the necessity for asking questions is stated by the Roman clergy. Lynd. 329 gives the lines suggesting interrogatories:—

Quis, quid, ubi, per quos, quoties, cur, quomodo, quando
Quilibet observat, Animae medicamina dando.

(84). Honorius III. in Decret. Lib. V. Tit. XXXI. c. 13, reproduced in Const. 16 Edmund, A.D. 1236.

(85). Egbert's Dial. 15, A.D. 734. Gratian Caus. XXXIII. Qu. III. Dist. VI. c. 2; Decret. Lib. V. Tit. XXXVIII. c. 7 and Tit. XXXI. c. 13; Const. 9 Reynolds, A.D. 1322: Let no priest in any case out of hatred, anger, or

or soliciting a penitent to sin, he is the subject of severest spiritual animadversion.

10. A priest is required in all cases to impose some penance before declaring the forgiveness of sin, because penance is the divinely appointed means of healing from the effects of sin (86). To the dying, however, penance need only be indicated, and reconciliation given forthwith (87). Penances vary considerably

fear, even of death, discover the confession of any man by signs, nods, or words, either in general or particularly. Const. 7 Stratford, A.D. 1342; Lynd. 90 says this applies only to what is told him under the seal of confession, not to communications however secretly made, or even under an oath of reticence at other times, at least not so far as to prevent his disclosing them judicially. *Id.* 334 says that what is told him under the seal of confession he may judicially deny, p. 335, not knowing it as man, but as God's representative, p. 352. Craisson, § 3892, 3901. Liguori Lib. VI. no. 649, however, rightly includes all matters communicated to a confessor out of the confessional bearing on the subject of his confessions, because these form part of the confession.

(86). St. Paul, 1 Cor. v. 4, handed over the incestuous Corinthian to Satan for the chastising of his flesh, as Job was afflicted by bodily suffering for his purification, *ἵνα τὸ σῶμα σωθῇ ἐν τῇ ἡμέρᾳ τοῦ Κυρίου,* but in the following year, believing the object attained, restored him, because, 2 Cor. II. 6, *ἱκανὸν τῷ τοιούτῳ ἡ ἐπιτιμία αὕτη ἡ ὑπὸ τῶν πλειόνων.* Cyprian Ep. 30, 31: Remedies of a too hasty kind should not be afforded for communion. Ep. 51, 20 ad Antonian: It is one thing tortured by long suffering for sins to be cleansed and divinely [or for a long time] purged by fire, another to have purged all sins by suffering. Ep. 54, 13 ad Cornelium: Efforts are made that the sins may not be purged with just satisfactions and lamentations, that the wounds may not be washed away with tears. De Laps. c. 17: The servant cannot remit what has been committed against the Lord. . . . The Lord must be appeased by our atonement; . . . c. 18: If any one rashly thinks to rescind the Lord's precept, not only does it not profit the lapsed, but it does them harm; c. 35: A deep wound requires long and careful treatment. Baeda IV. 25, A.D. 730: Adamnan confessed his guilt. The priest having heard his confession, said: A great sin requires much attention in the cure. Therefore give yourself up as far as you are able to fasting, reading of psalms, and prayer. Concil. Cabilon. A.D. 649, Can. 8: Penitentia peccatorum est medela animae. Egbert's Excerpt 20, A.D. 740: That all priests enjoin fit penance to all who confess their crimes.

(87). Theodori ap. Gratian Caus. XXVI. Qu. VII. c. 1: The amount of

by custom. In imposing them the priest should consider within the limits allowed not only the gravity of the sin but also the devotion and compunction of the penitent (88), and then act without respect of persons (89). Since the thirteenth century the rule of the Western Church requires an explicit reference to the power of the keys in reconciling, and enjoins the priest when he thinks fit to loose and not to bind, to grant absolution in a declaratory form (90). This form has, therefore, generally taken the place of the earlier reconciliatory imposition of hands as the sacramental sign.

11. No priest, unless specially authorised, should admit to penance one who is the subject of another (91), nor a stranger (92), but in cases of necessity he may refuse none (93). A confession should always be received in some public place (94), and a woman's in some conspicuous part of the Church, outside the Lenten veil (95). Except for lesser faults, penance ought not to be repeated, but the offender be referred

penance must not be imposed on the dying, but only indicated to them. Concil. Ebor. A.D. 1195, Can. 17; Lynd. 290. See note 67.

(88). See note 23; Innocent III. in Decret. Lib. V. Tit. XXXVIII. c. 8.

(89). Stat. Eccl. Ant. A.D. 505, Can. 74, ap. Gratian Caus. XXVI. Qu. VII. c. 6.

(90). Const. 2 Othobon, A.D. 1268, directs all who hear confessions to absolve the penitent [when they do loose and not bind, Const. 8 Reynolds, A.D. 1322] by pronouncing the underwritten words: By the authority of which I am possessed I absolve thee from thy sins. Simonatus, De Form. Sacr. Penit. Thesaur. Theol. XI. Opus. 9; Martene, De Ant. Rit. Eccl. I. 6, art. 5; Devoti Lib. II. Tit. II. § 81 state that early examples exist of a declaration of absolution after the prayer.

(91). Urban II. A.D. 1096, ap. Gratian Caus. XXXIII. Qu. III. Dist. VI. c. 3, and Caus. IX. Qu. II. c. 2; Craisson, § 3862.

(92). Const. 8 Reynolds, A.D. 1322; Lynd. 279, 331.

(93). Coelestin. ap. Gratian Caus. XXVI. Qu. VII. c. 13; Theodori. Poenit. I. VIII. 5, in H. & S. III. 184, and I. IX. 5, *Ibid.* p. 185; Poenit. Rom. ap. Gratian Caus. XIII. Qu. II. c. 32; Alfred and Guthram's Law 5, A.D. 878: If one that is to suffer death for his crimes desire shrift, let it never be denied him. Cnut's Law 15, A.D. 1018; Const. 2 Othobon, A.D. 1268.

(94). Const. 16 Edmund, A.D. 1236.

(95). Const. 3 Sudbury, A.D. 1378.

back for solemn penance (96). Penitents who die suddenly before being reconciled are allowed to be commemorated in the Eucharistic oblation, provided they have kept the rules of penance (97), but this is forbidden to those who have not come to repentance (98).

12. According to early practice the fulfilment of the imposed discipline was awaited before God's forgiveness or

(96). Origen, Hom. in Lev. 15, c. 2 (II. 262): In greater crimes there is only room for penance once, but in the case of common faults, which we are always committing, we constantly receive penance, and they are constantly being redeemed. Tertullian de Poenit. c. 7; Ambros. ap. Gratian Caus. XXXIII. Qu. III. Dist. III. c. 2: Some there are who think repentance may be oft undergone, and who luxuriate in Christ. But if they had true repentance they would think that it must not be often repeated; for as there is one baptism, so there is one repentance. But we ought always to repent of a sin that is past. I say this of lighter shortcomings. Concil. Tolet. III. A.D. 589, Can. 11: We hear that some, as oft as they wish to sin, demand to be reconciled by a priest. To prevent such execrable presumption the council orders that [in such cases] penance be given according to the canonical form of the ancients, *i.e.*, that one so repenting be suspended from communion, and frequently receive the imposition of hands among the other penitents; and when the time of satisfaction is concluded, let him be restored to communion as the priest in his discretion thinks best. Augustin *Ibid.* c. 18: Let no one think that these greater crimes, the doers of which shall not inherit the kingdom of God, may be daily repeated and daily purged away by almsgiving. *Id. Ibid.* c. 22; Concil. Elib. A.D. 305, Can. 47: If a married man often commit adultery, the communion may be given him when sick, at least if he promise to desist; but if he recovers and breaks his promise, there must be no farther trifling with the communion of peace. See *Discipline*, § 22.

(97). Stat. Eccl. Ant. A.D. 505, Can. 81: Let them carry penitents, if they die, to church and bury them. Can. 79: Penitents who strictly follow the laws of penance, if they chance to die on a journey, or at sea, where they cannot be reconciled, may have their memorial kept, and prayers and offerings made for them. Concil. Vas. A.D. 442, Can. 2; Concil. Arelat. II. A.D. 453, Can. 12; Syn. V. A.D. 553, ap. Gratian Caus. XXIV. Qu. II. c. 6; Halitgar's Penit. *Ibid.* Caus. XXVI. Qu. VI. c. 11; but Innocent III. in Decret. Lib. V. Tit. XXXIX. c. 28, requires a formal absolution in such cases.

(98). Concil. Chelsea, A.D. 787, Can. 20: If any man die without repentance and confession, prayer must not be made for him.

remission ([99]) was sacramentally declared, and permission was granted to participate in the offering which was called peace ([100]). Exception was always made in favour of the dying ([101]), and of those furnished with letters of indulgence from the martyrs ([102]). Before the introduction of Christianity

(99). Cyprian Ep. 54, 16, calls it remission: I almost sin myself in remitting sins more than I ought. De Laps. 29.

(100). Cyprian Ep. 58 (Oxf. 64): Peace should not be granted before the legitimate and full time of satisfaction; Ep. 66 (Oxf. 68), 5: Our predecessors judged that when penance had been undergone the reward of peace and communion was not to be denied to the lapsed. De Laps. c. 15; Concil. Elib. A.D. 305, Can. 77, 79; Concil. Ancyr. A.D. 314, Can. 4; Concil. Nic. A.D. 325, Can. 11. Innocent I. A.D. 416, ad. Decentium, c. 8: To penitents all sacraments are forbidden. Concil. Brac. A.D. 572, Can. 82: He will not receive the sacrament until he has fulfilled the appointed time of penance. Relaxation appears to have been first introduced at Constantinople, where Sozomen VII. 16, says: He gave absolution to penitents who confessed and undertook to exact penance of themselves. Theodori Poenit. I. XII. 4, A.D. 673, in H. & S. III. 187: Penitents, according to the canons, ought not to communicate before the completion of penance. But we out of mercy grant them leave after a year or six months.

(101). Cyprian Ep. 10 and 52, 2; Concil. Carthag. II. A.D. 390, Can. 4, ap. Gratian Caus. XXVI. Qu. VI. c. 5: If any one is in danger and asks to be reconciled to the divine altars, the priest ought to consult the bishop if he is away, and reconcile him by the bishop's direction. Euseb. VI. 44 considers the reception of the Eucharist the absolution itself. The boy, he says, dropped the Eucharist in the old man's mouth, and he expired. Was he not evidently preserved, and did he not continue living until he was absolved? Concil. Gerund. A.D. 517, Can. 9, ap. Gratian 1, Dist. L. c. 57: If any one overcome by sickness has received by means of communion the benediction of penance which we call the viaticum. Concil. Tolet. XI. A.D. 656, Can. 12, directs a priest, when there is danger of death, to give penance by the imposition of hands, and at once to give reconciliation [sc. the viaticum]. Concil. Epaon. A.D. 517, Can. 36: The appointed times of exclusion (damnationis tempora) must be relaxed to the dying; Leofric Missal, 194.

(102). Cyprian Ep. 12 and 59. Ep. 12 quotes such a letter: All the confessors to Pope Cyprian greeting. Know that to all concerning whom an account satisfactory to you has been given of what they have done since the commission of their sin, we have granted peace [*i.e.*, admission to communion], and we desire that this rescript should be make known

into this country, the ancient discipline had been so far relaxed that sacramental forgiveness and readmission to communion were allowed after a comparatively short time([103]), sometimes after one or two years, at other times after twelve or six months([104]). Even solemn penitents were temporarily reconciled to receive the communion on Easter day([105]). Those thus indulged were not held discharged from their penitential status, nor were they allowed to make an offering until at the end of their term they had received the final reconciliation([106]). At a later period restoration to communion was,

by you to other bishops also. De Laps. 31 complains of the abuse of this privilege; Devoti Inst. Lib. II. Tit. II. § 80.

(103). Leo, A.D. 458, ap. Gratian Caus. XXVI. Qu. VII. c. 2: If any one takes it so much to heart, that whilst he is a penitent his salvation is despaired of, the grace of communion ought to be granted to him by the tender care of the priest. Concil. Ilerd A.D. 542, Can. 5, *Ibid.* 1, Dist. L. c. 52: Let it be in the bishop's power to suspend, but not for long, such as truly grieve, and to separate the remiss from the body of the Church for a longer period. Egbert's Excerpt 39, A.D. 740, following Theodore (quoted note 100): According to the canons, penitents ought not to communicate before they have finished their penance; but we for the mercy of a compassionate God do grant licence to some after a year or two or three. Nicolaus, A.D. 865, ap. Gratian Caus. XXXIII. Qu. II. c. 15, allows a matricide to communicate after ten years, but not to make an offering till the end of his term of penance. Thorpe II. 266: Let the priest watch attentively with what compunction of heart, and with what exactness of performance the penance is fulfilled, and judge from that whether he ought to grant him forgiveness or not. Devoti., § 80; Lynd. 264, 328.

(104). Theodori Poenit. I. XII. 4, l. c. 187; Egbert's Excerpt 39, A.D. 740.

(105). Innocent, A.D. 416, ad Decentium ap. Gratian III. Dist. III. c. 17: Penitents undergoing penance either for greater or for lesser offences, even if they are not ill, the custom of the Roman Church requires to have remission on Maundy Thursday. Concil. Cabil. II. A.D. 813, *Ibid.* III. Dist. II. c. 17: Even penitents are reconciled on Maundy Thursday to receive the sacraments of the Lord's Body and Blood. Dunstan's Can. 15, A.D. 963: Again on the Thursday before Easter all the penitents meet at the same place, and there the bishop sings over them and gives them absolution. The form of reconciliation in Leofric's Missal, 92.

(106). See note 67.

with certain exceptions (107), allowed, directly confession had been made, and the offender had undertaken to perform the penance imposed, or as it was said had come to satisfaction (108).

PENANCE AS THE DISCIPLINE OF RECONCILIATION—SHRIFT.

13. Before any one can obtain forgiveness of sins or deliverance from its punishment, either sacramentally in the court of penance (109), or non-sacramentally in the court of the soul, penitence is necessary as an antecedent condition (110). Penitence has been therefore called the mistress of all virtues (111), because it involves a change of mind and a return to a right understanding in divine things (112). It consists in a deep consciousness of the heinousness of past sins, coupled with a true love of God and a desire for amendment (113). Hence it

(107). Alfred and Guthrum's Law 4, A.D. 878; Concil. Ensham A.D. 1009, Can. 25; Const. 5 Clarendon, A.D. 1164: Excommunicates ought not to give security or to make oath for the remainder, but only to give security and pledge for standing to the judgment of the Church, that they may be absolved Alexander II. ap. Gratian I. Dist. LXXXI. c. 16, suspends a priest "until he come to satisfaction." Alexander III. in Decret. Lib. V. Tit. XVIII. c. 5, allows a man to be ordained after performing penance, or an adequate part of it, for stealing. Const. 18 Stratford, A.D. 1343.

(108). Concil. Cabil. A.D. 813, ap. Gratian III. Dist. II. c. 17: Except to those to whom it is forbidden, because of grave crimes. Concil. Turon, A.D. 850, *Ibid.* c. 16: Unless perchance he be hindered by greater crimes. Const. 4 Sudbury, A.D. 1378: Unless he think he ought to abstain by the advice of his priest.

(109). Urban III. in Decret. Lib. V. Tit. XIX. c. 10, calls it judicium animarum. Const. 1 Peckham, A.D. 1281; Const. 12 Stratford A.D. 1342; Lynd. 90 says that a man's own word is to be believed in the court of the soul when it would be insufficient in foro contentioso. Lynd. 248, 337, 233, 344, 332.

(110). Lynd. 236, 337; Liebermann VI. 573: Contritio est ipsa virtus poenitentiae.

(111). Chrysost. Hom. 23 in Math.

(112). Lactantius VI. 24.

(113). Tertullian de Poenit. c. 2 says: Penitence can only be brought to bear on sins, not on good deeds. This excludes the common definition,

necessarily involves three things—primarily, repentance or sorrow for sin, and secondarily, confession, and satisfaction (114). These three things are accordingly called the quasi-proximate matter in penance (115), and are said to be integral parts of the sacrament (116). In like manner sins are spoken of as the quasi-remote matter, because they are the matter to be removed by the sacrament (117).

14. Repentance or sorrow for sin, which is necessary *de necessitate medii* as the primary condition for receiving any benefit from the sacrament, is of two kinds (118): (1) Perfect sorrow for sin (119), which arises from full-formed faith, and is generally called contrition of heart; and (2) imperfect sorrow

The sincere exercise of memory upon our past existence, as too wide. Augustin, de Vera et Falsa Poenit. c. 9 ; Liebermann VI. 484 says that penitence involves (1) a recognition of past sins ; (2) a change of purpose ; (3) grief of mind ; and (4) submission to punishment.

(114). Cyprian de Laps. c. 16, quoted note 63, requires confession and satisfaction. Chrysost. ap. Gratian Caus. XXXIII. Qu. III. Dist. I. c. 40, and Dist. III. c. 8 : In the heart contrition, in the mouth confession, in action perfect humility. Pet. Lombard, Lib. IV. Dist. 16 ; Thomas Aquin. 3 Qu. 90, art. 2 and 3 ; Lynd. 337 says : In the court of the soul contrition acts as the citation ; confession as pleading guilty before the judge ; satisfaction is the judge's sentence. Lynd. 28, 328 : Contrition is necessary *de necessitate medii*, the two other parts *de necessitate praecepti*.

(115). Eugenii IV. Decret. ad Armenos, A.D. 1439 ; Concil. Trident. Sess. XIV. c. 3 : Sunt autem quasi-materia hujus sacramenti ipsius penitentis actus, nempe contritio, confessio et satisfactio. Liebermann VI. 537, 541 : The penitent in a way supplies the matter by offering the three acts to the priest, which the latter receiving and combining with the form elevates to the dignity of a sacrament.

(116). Liebermann VI. 540.

(117). Tertullian de Pudic. c. 2 : The causes of penitence are sins.

(118). 2 Cor. VII. 10 : Godly sorrow worketh an irrevocable (*ἀμεταμέλητον*) repentance [leading] to salvation, but the sorrow of the world worketh death.

(119). Chrysostom ap. Gratian l. c. c. 40. Augustin *Ibid.* 1, Dist. XLV. c. 13 : There are two kinds of almsgiving—one of the heart, the other of money. Theodori Poenit. I. VIII. 5, in H. & S. III. 184 : Conversion may be at the last moment of time, because God regards the heart and not time, as the dying thief by one moment's confession deserved to be in Paradise.

for sin or compunction (120), which arises from unformed faith, and is called attrition (121). Perfect contrition is such a sorrow for and detestation of sin as arises from perfect love of God (122), and leads to complete amendment and an entire forsaking of sin for the future (123). Imperfect contrition or attrition is the uneasiness which arises from a consideration of the turpitude of sin and the fear of consequences (124), and unless it disposes the sinner to seek God's grace by some tangible exercise of self-discipline, it does not initiate holiness (125), neither does it come within the range of the court of penance.

15. Where there is perfect contrition of heart the sinner is reconciled upon confession to God only (126). In such cases

(120). Isidor. Sent. II. 12, 1 : Compunction of heart is lowliness of mind, coupled with tears, arising from the memory of sin and the fear of judgment.

(121). Hales IV. Qu. 74, art. 1 : Servile fear is the beginning of attrition, initial fear (*i.e.*, that with which the life of holiness begins) of contrition. . . . Again contrition is produced by sanctifying grace, attrition by grace qualifying for sanctification. Concil. Trident. Sess. IV. c. 4.

(122). Gratian Caus. XXXIII. Qu. III. Dist. II. c. 2–14, 18, 19 ; Lynd. 236.

(123). Ambros. *Ibid.* l. c. Dist. III. c. 1, and Dist. l. c. 39 : Repentance consists in bewailing past sins, and not again repeating such as must be bewailed. Smaragdus *Ibid.* c. 9 : Repentance consists in such a sorrow for past sins as leads to not committing them in future. Gregory *Ibid.* c. 14 : He who bewails what he has committed but does not forsake it, incurs almost greater guilt. Hieronym. *Ibid.* c. 38 : That repentance was of no use to Judas by which he could not correct his sin. Concil. Chelsea A.D. 787, Can. 20 : A fruitful repentance consists in bewailing misdeeds, and not committing them again.

(124). Hales l. c.

(125). Tertullian de Poenit. c. 2 : Where there is no fear there is no amendment. Iren. Haer. III. 23, 5 : The sense of sin leads to repentance. God bestows His compassion upon those who are penitent. Augustin ap. Gratian, Caus. XXXIII. Qu. III. Dist. VII. c. 6 : He is turned from sin who wishes to forsake sin ; he is converted who is turned wholly and altogether, who not only does not fear punishment, but also hastens to work for the good of his Lord. Const. 9 Peckham, A.D. 1281 : He loves God who keeps the commandments out of love, not out of fear of punishment. Craison, § 3792.

(126). 1 John I. 9 : If we confess our sins, He is faithful and just to

sacramental confession is necessary only in obedience to a precept ([127]) where such exists. But since, in the vast majority of cases, contrition is imperfect ([128]), and few persons are exempt

forgive us our sins. Iren. IV. 17, 2: The sacrifice to God is an afflicted heart. A sweet savour to God is a heart glorifying Him who formed it. Clem. Paedag. III. 12; Cyprian de Laps. 9, 36: If man make prayer with his whole heart, if he groan with true lamentation and tears of repentance, if he incline the Lord to pardon of his sin, to righteous works, He who expressed His mercy may pity such a man. . . . He can mercifully pardon. . . . He can regard as effectual whatever in behalf of such either martyrs have besought or priests have done. Hieronym. ap. Gratian Caus. XXXIII. Qu. III. Dist. I. c. 73: If any one after a lapse into sin turns to true repentance, he will speedily obtain pardon from a merciful Judge. *Ibid.* Dist. VI. c. 1; Isidor. Sent. II. 13, 1: From that moment any one begins to be a just man when he becomes an accuser of himself. Syn. VIII. A.D. 869, *Ibid.* Caus. XXVI. Qu. VII. c. 9: One who is penitent in heart ought to be received, as the Lord shows when He says that He called His friends and neighbours together, saying, Rejoice with Me. Blickling, Hom. I. 272: God is so merciful that He will show mercy to him who turns from sin, if with inward sorrow of heart he turn to true repentance. Ayliffe 20.

(127). Theodori Poenit. II. XII. 7, in H. & S. III. 187: Confession may be made to God only if it is necessary. The word necessary is not in all copies of the canons. *Id.* ap. Gratian Caus. XXXIII. Qu. III. Dist. I. c. 90: Some say sins ought to be confessed to God only, as do the Greeks; others that they ought to be confessed to the priests, with whom almost the whole Catholic Church agree. Yet both kinds of confession are not practised within the Church without great benefit, *i.e.*, that we confess our sins to God, who forgives sin. . . . Nevertheless, the apostles' rule is also to be followed, that we confess our sins to one another, and pray for one another, that we may be saved. Therefore confession which is made to God only, which is that of the righteous, purges sin, but that which is made to the priest shows how sins ought to be purged. For God, who is the author and giver of salvation and holiness, often bestows this medicine of His penitence by direct administration, often by the intervention of [spiritual] physicians. Lynd. 236: The necessity of confessing after contrition is not because of the need of the remedy, but because of the existence of the precept. The Copts in the 12th century abolished the practice of confessing, on the ground that the prayer of the morning incense, or interior repentance before a burning censer, conveyed sacramental absolution.

(128). Augustin ap. Gratian I. c. Dist. VII., c. 6: Quoniam vero rara est tam justa conversio.

from mortal sin ([129]), confession before God's minister ([130]) and satisfaction are with most men ordinarily necessary, both to test the genuineness of their repentance ([131]), and also to perfect it by the prayers of others. It was accordingly prescribed in the West in the 13th century that every Christian who had reached years of discretion should at least once a year confess to his own proper priest, or by his leave to a

(129). Cap. 31 Theodulf, A.D. 994: There are eight capital sins, and there is but a small number of men that is not stricken by some or all of them. Lynd. 232.

(130). Ep. Barn. c. 19: Thou shalt confess the sin; thou shalt not go to prayer with an evil conscience. Tertullian de Poenit. c. 9: Confession of sins lightens as much as dissimulation aggravates them, for confession is counselled by satisfaction. . . . In this act we confess our sins to the Lord, not as if He were ignorant of them, but because by confession satisfaction is settled, by confession repentance is born, by repentance God is appeased. Cyprian de Laps. c. 28: How much better are they . . . who, although bound by no crime, yet because they have thought of such things, with grief and simplicity confess the very thought to God's priests and make the conscientious avowal . . . and seek out the salutary medicine even for slight and moderate wounds? Euseb. v. 18 speaks of "the great characteristic of confession." Ambros. ap. Gratian Caus. XXXIII. Qu. III. Dist. I. c. 39: He does not deserve to be justified who refuses in this life to confess his sins. Augustin *Ibid.* Dist. I. c. 88, and Dist. VI. c. 1: So great is the efficacy of confession, that if no priest can be had confession may be made to a neighbour. Dunstan Can. 1, A.D. 963: Without confession there is no forgiveness. Concil. Clovesho, A.D. 747, Can. 22, warns people not to be careless in confessing. Const. 18 Boniface, A.D. 1261: Confession is necessary for every sinner. Cap. 31 Theodulf, A.D. 994, ap. Gratian Caus. XXII. Qu. I. c. 17; Lynd. 236: Although before Christ's incarnation mental confession made to God only sufficed, yet since God has become man confession ought to be made with the voice to man as the vicar of Christ. 327, 328: As the eternal Word so humbled Himself to expiate our sins as to take upon Himself human nature, so He bound us to humble our words by speaking against ourselves to man as well as to God. Craisson, § 3816.

(131). Augustin ap. Gratian Caus. XXXIII. Qu. III. Dist. I. c. 88, says shame is a test of contrition. *Id. Ibid.* I. c. Dist. I. c. 85: Let a man judge himself . . . and when he has pronounced sentence on himself of the severest remedy let him come to the priests by whom these keys are ministered in the Church, and let him receive the measure of his satisfaction [penance] from those who preside over holy things. Lynd. 321.

stranger (132). Nevertheless it has been held that this rule is not imperative on those who are only guilty of venial sins (133).

16. To be of use a confession must be a thorough and truthful acknowledgment of sin (134), *i.e.*, it must be (1) full and complete, (2) circumstantial and not general, and (3) confined to the sinner's own sins, and not mentioning those of others. Formerly a confession was made sitting (135), as is still the custom of the Greeks (136). Afterwards it appears to have been made standing (137). The practice of kneeling is said to have been introduced by the monks in the thirteenth century (138). A complete confession should, so far as memory goes, enumerate without reserve (139) all mortal sins committed since baptism, but not necessarily venial sins, because these are remitted in other ways (140). It should include sins of thought

(132). Concil. Lat. IV. A.D. 1215, in Decret. Lib. V. Tit. XXXVIII. c. 12: Let every one of the faithful of either sex, after reaching years of discretion, alone faithfully confess all his sins, at least once a year, to his own priest, and study with his own powers to perform the penance imposed on him. . . . Otherwise let him whilst alive be excluded from entrance to the Church, and when dead be deprived of sepulture. Const. 14 Sudbury, A.D. 1378.

(133). Liguori Lib. VI. no. 667; Craisson, § 3807.

(134). It is therefore called exomologesis by Iren. I. 13, 5 and 7; I. 6, 3; III. 4, 3. Tertullian de Poenit. c. 9: Exomologesis is a discipline for man's prostration and humiliation.

(135). Martene de Antiq. Rit. Lib. 1. c. 6 art. 3; Devoti, Lib. II. Tit. II. § 70.

(136). Leo Allatius de Consens. Eccl. Occid. et Orient. Lib. III. c. 9, § 6.

(137). Dunstan Can. 4, A.D. 963: Let the man rise to his shrift.

(138). Martene l. c.; Devoti, § 70.

(139). Augustin ap. Gratian Caus. XXXIII. Qu. III. Dist. IV. c. 1 says, "exposing his whole self" (nihil sibi reservans sui). Cap. 31 Theodulf, A.D. 994: A man ought to confess to the shrift all the sins that he ever committed, either in word, work or thought. Concil. Lat. II. A.D. 1139, *Ibid.* c. 8: It is false penitence to do penance for one single offence, overlooking all the rest. Const. 16 Edmund, A.D. 1236: Enjoining him to make a full confession.

(140). Augustin ap. Gratian Caus. XXXIII. Qu. III. Dist. III. c. 20; Craisson, § 3773.

as well as of word and deed, sins against faith, against God's commandments and the precepts of the Gospel, the neglect of works of mercy, any capital crime, and all shortcomings in respect of the principal virtues and the sacraments of the Church ([141]).

17. It should, moreover, be particular and not general, specifying the circumstances of every excess, or at least those circumstances which tend to aggravate it; the nature, place, and cause of the sin and the time of continuing in it ([142]); and instead of being a barren recital made before a listless auditor it should be an act of self-accusation ([143]) made before God in the presence of His priest and the whole company of heaven ([144]). It should, however, refrain from mentioning the sins of other men, or giving the names of persons with whom the

(141). Dunstan Can. 4, A.D. 963: After this let the man first say: I believe in the Lord, the supreme Father, the Governor of all things, and in the Son, and in the Holy Ghost; and I believe life after death, and I believe that I am to rise again at Doomsday; all this I believe shall come to pass through God's power and mercy. And then meekly bowing to his shrift with contrition, let him humbly rehearse his confession and say: I confess to Almighty God and to my shrift, the ghostly physician, all the sins with which I was ever defiled by accursed spirits, either in deed or in thought. . . . I beg of my Lord forgiveness of all, and that the devil may never insidiously surprise me so that I die without confession and satisfaction for my sins. . . . And Thou, O Saviour Christ, be merciful to my soul, and forgive my sins and blot out my guilt . . . and bring me to Thy heavenly kingdom. Now I humbly beseech thee, O priest of the Lord, that thou be my witness at Doomsday . . . and be thou my intercessor with God, that I may satisfy for my sin and guilt and abstain from other such like. Const. 9 Peckham, A.D. 1281, gives the order of confession as in the text, and Lynd. 328 recommends it as the proper order.

(142). Augustin ap. Gratian Caus. XXXIII. Qu. III. Dist. V. c. 1; Const. 8 Reynolds, A.D. 1322.

(143). Dunstan Can. 1, A.D. 963: When any one will confess his sins let him act like a man, and not be ashamed to acknowledge his wretchedness and crimes by accusing himself, because from thence springs pardon. Devoti, Lib. II. Tit. II. § 69.

(144). Rabanus, A.D. 853, ap. Gratian I. Dist. L. c. 34: by private confession before the eyes of God in the presence of His priest, who will prescribe penance to them.

penitent has sinned [145], not even doing so for the sake of obtaining their amendment [146]. In a dying man signs of repentance may be taken for a full confession and reconciliation granted as often as they are shown [147].

18. Confession must be followed by satisfaction [148], which may be defined to be the humble submission to the discipline of severity rendered necessary by the circumstances of the excess or sin. Properly satisfaction includes three things: (1) atonement or satisfaction to God for the guilt of sin (*reatus culpae*) which places man in a state of enmity to God and therefore entails on him eternal punishment [149]; (2) amend-

(145). Alexander III. in Decret. Lib. v. Tit. xvi. c. 5; Const. 8 Reynolds, A.D. 1322.

(146). Craisson, § 3827.

(147). Stat. Eccl. Ant. A.D. 505, Can. 76, ap. Gratian Caus. xxvi. Qu. vi. c. 8: If one when taken ill asks for penance, and becomes dumb and loses consciousness before the presbyter arrives, let those who heard him ask bear testimony, and let him receive penance, and if he is like straight to die let him be reconciled by the imposition of hands, and the Eucharist be passed into his mouth. Craisson, § 3818.

(148). Pseudo-Augustin ap. Gratian Caus. xxxiii. Qu. iii. Dist. v. c. 1: Let him place himself entirely in the power of the judge, in the hand of the presbyter, so as to be ready to do at his bidding everything to repair the life of the soul. Chrysost. ap. Gratian Caus. xxxii. Qu. I. c. 4, mentions the satisfaction of penance. Alfred and Guthrum's Law 4, A.D. 878: As to incestuous persons the wise men have decreed that the king have the better of them, the bishop the worse, unless satisfaction be made both towards God and towards the world. Edgar's Law 65, A.D. 960: That every priest teach penance and satisfaction. Can. 7 Dunstan, A.D. 963; Concil. Ensham, A.D. 1009, Can. 25: If murderers or perjurers have the audacity to remain in the king's presence before they have begun their satisfaction towards God and the world, let it be at the peril of their honour and all their estate. An Anglo-Saxon document in Lingard's Church I. 332: By confession the venom is extracted; it now remains for the leech to prescribe the manner of cure. Const. 44 Langton, A.D. 1222; Const. 35 Edmund, A.D. 1236: Let them be struck with anathema by the chaplains of the places until they make fit satisfaction. Const. 9 Boniface, A.D. 1261; Const. 12 Othobon, A.D. 1268; Lynd. 164, 210, 231, 232, 259, 264, 295.

(149). It must be remembered (1) that sin not only places the sinner apart from God (Iren. Haer. II. 33, 5; v. 28, 1), which is called death

ment or satisfaction to God's justice for the injury done to holiness (*reatus poenae*) which requires temporal punishment to undo it; and (3) restitution or satisfaction to man when any one has been injured by the excess or sin. Satisfaction to God for the guilt of sin is made only by the merits and obedience of Christ ([150]), and not by any act of the sinner; but satisfaction for the temporal punishment required to undo the

(Iren. v. 27, 2), viz., eternal death, by the guilt or hostility to God which it creates, but also entails punishment as a consequence to meet the requirements of God as a God of justice (Math. XVI. 27; Rom. II. 6; Rev. XXII. 12); (2) that in justification God's mercy as revealed in Christ draws the sinner back to God, and does away with the relation of enmity or guilt of sin and separation from God, which is eternal death; (3) that ordinarily only the baptismal forgiveness does away entirely with the punishment due to sin, but that post-baptismal forgiveness transforms eternal into temporal punishment, still leaving temporal punishment to be undergone or satisfaction to be made, either in this world or the next, to undo the effects of sin. Thus in 2 Sam. XII. 13 Nathan said unto David: The Lord hath put away thy sin: howbeit, because by this deed thou hast given occasion to the enemies of the Lord to blaspheme, the child shall surely die. Cyprian de Laps. c. 17: God alone can bestow pardon for sins which have been committed against Himself, but the Lord must be appeased by our atonement. *Ibid.* c. 14: It behoves the Lord's priest not to mislead by deceiving concessions, but to provide with salutary remedies. Augustin in Joan. Tract 124: Man is obliged to suffer even after his sins have been forgiven, although the cause of his coming into that plight was sin. Gregory Mor. IX. 34: In nowise is sin spared because it is never forgiven without punishment. Thus David deserved to hear after his confession, The Lord, etc.—and yet afflicted with many torments he often paid the debt of the sin which he had committed. Augustin ap. Gratian Caus. XXXIII. Qu. III. Dist. III. c. 7: Penance is more productive than guilt, lest guilt should be thought too little of, if with it punishment were at an end. And thereby either to demonstrate the misery due [to sin], or to amend the life apt to fall, or to exercise the necessary patience a man is temporarily amenable to punishment who is no longer amenable to guilt for eternal damnation.

(150). Iren. Haer. v. 2, 1: As far as concerns the apostasy, Christ redeems us righteously from it by His own blood; III. 18, 6: Christ was man contending for the fathers, and through obedience doing away with disobedience completely; v. 17. 1: The Lord has restored us to friendship through His incarnation, 3: If none can remit sins but God alone, it is plain that Christ was the Word of God.

effects of sin and restitution are both necessary on man's part, or his repentance itself is vain and ineffectual ([151]).

19. Satisfaction is made to God for the injury done to holiness which requires temporal punishment to correct it, (1) by bearing patiently the ills and trials sent by Him in this life ([152]), and (2) by voluntarily submitting to penances, such as fasting and almsgiving ([153]). It may also be vicariously made by the prayers or suffrages of others, in so far as these intensify contrition and amendment. Penances imposed by the Church, which are one form of satisfaction, vary according to the rule and custom of each particular part of it, and are adapted to the special needs of places and people ([154]). Formerly, out of regard for God's justice, long and severe penances were awarded by the Church, in the hope of forestalling future by present suffering ([155]). Now, without attempting to adjust the scale

(151). Tertullian de Poenit. c. 2: Where there is no amendment repentance is vain, for it lacks the fruit for which God sowed it, viz., man's salvation [*i.e.*, deliverance from the penalty and the power of sin].

(152). Cyprian de Mort. c. 13, says it is a test of a Christian spirit to take suffering patiently. See note 86. Penances are made formally satisfactory, either by being enjoined by a confessor or by a voluntary acceptance of them in a spirit of penitence.

(153). Tertullian de Poenit. c. 9: Penance, by itself pronouncing against the sinner, hopes to stand in the stead of God's indignation, and by temporal mortification to discharge eternal punishment. Cyprian de Glor. Mart. c. 13: It is written, we must pay the uttermost farthing; martyrs only are relieved from this obligation. Augustin ap. Gratian Caus. XXXIII. Qu. III. Dist. I. c. 63: It avails not to change habits for the better, and to depart from past evil, unless satisfaction is made to God by penitential grief, by humble lamentation, by the sacrifice of a contrite heart aided by fasting and thanksgiving. Concil. Cabilon. A.D. 649, Can. 8: Penance for sins is the medicine of the soul. Ambros. Lib. VII. in Luc.: By works of charity and other acts, or by any kind of satisfaction, the [temporal] punishment of sin is dissolved.

(154). Concil. Carthag. III. A.D. 397, ap. Gratian Caus. XXVI. Qu. VII. c. 5; Leo, *Ibid.* c. 2. See note 23.

(155). Tertullian de Pudic. c. 2: Albeit God is good, yet He is just also. Hieronym. ap. Gratian Caus. XXIII. Qu. V. c. 6: They who are punished in this life shall not be punished afterwards; for God will not avenge twice, as it is written. Gregory *Ibid.* I. Dist. XXV. c. 4: As each

of suffering between this life and the next, the practice is to bestow sacramental forgiveness on all who confess sin, so soon as the desire to forsake it is manifest ([156]), and some discipline imposed *ex misericordia* rather than *ex debito* has been submitted to, partly because confession is itself a severe discipline and sign of amendment, partly because penances are more productive of good which are done by one who is in a state of grace.

20. Whenever an injury has been done to another, satisfaction must also be made to the injured person ([157]), either by

man leaves this life, so he will be presented in judgment. Yet, in respect of certain lesser faults, it must be believed that there will be a purifying fire before judgment, because the Truth says, Whosoever shall blaspheme against the Holy Ghost, it shall neither be forgiven him in this world nor in the world to come. By which we are given to understand that certain faults are remitted (culpas laxari) in this life and others in the life to come. . . . Yet, as I have said, this only applies to lesser sins. Pseudo-Augustin *Ibid.* c. 5: He who puts off the fruit of conversion to another life will be first purged by the fire of purification. This fire, although it be not eternal, is nevertheless very severe. *Id. Ibid.* Caus. XXXIII. Qu. III. Dist. VII. c. 6, § 2. Augustin Enchirid. c. 66: Much evil may seem here to be overlooked, and without all punishment released, but the pain for such things is reserved for the world to come. Concil. Aquisgranum II. ad Pepin. ap. Lab. et Coss. VII. 1729: The sins of men are avenged in three ways, in two ways in this life, in the third in a future life: (1) If we judge ourselves we shall not be judged. This is the vengeance to which, by God's inspiration, the sinner voluntarily submits in penance. (2) If we are judged, we are corrected by the Lord that we may not be condemned with this world. This is the vengeance which the Almighty God mercifully inflicts on the sinner. (3) The third judgment is most to be dreaded, when the just Judge shall say, Depart from Me, ye cursed.

(156). Alexander III. in Decret. Lib. V. Tit. XXXVIII. c. 5, directs penance to be enjoined on one who declines to forsake sin, although absolution cannot be given. Const. 16 Otho, A.D. 1237; Const. 8 Reynolds, A.D. 1322: He who confesseth his sin, and yet will not abstain from it, to him absolution cannot be given; for we never read of pardon conferred on any without reformation. Const. 13 Stratford, A.D. 1343; Const. Chichele, A.D. 1430; Lynd. 150, 264, 265.

(157). Theodori Poenit. I. III. 3, in H. & S. III. 179: He who stole must always be reconciled to the person whom he offended, and restore the damage done to him, and it will greatly abbreviate his penance. If he either will not or cannot do so, let the appointed time of penance be done in full (manet per omnia). Augustin ap. Gratian Caus. XIV. Qu. VI. c. 1:

restitution or by compensation (158), for the sin is not forgiven until what has been taken away is restored (159). On this ground, public offences in the Church are visited with public punishment, and reconciliation is refused until public punishment has been undergone, although the offender may be perfectly contrite. Moreover, since absolution, whenever an injury has been done to another, is void without restitution either in act or intention (160), a promise of restitution made to obtain absolution is a sacred trust which descends to the heirs of one deceased (161).

21. The sacramental effect (162) of the discipline of penance,

This I would most confidently say, that he who interposes to prevent another's restoring what he has wrongfully taken away, or does not oblige him to do so if he takes shelter with him, is an accomplice of his fraud and crime. *Id. Ibid.* Qu. v. c. 15; Const. 33 Langton, A.D. 1222: Let him be excommunicate who, for the future, receives the goods of the Church and detains them after admonition, and not be absolved till he make restitution. Const. 35 Edmund, A.D. 1236: Let them not be admitted to absolution unless they make satisfaction. Const. 8 Reynolds, A.D. 1322; Rule 4 in Sext. Lib. v. Tit. XII. c. 5; Gregory VII. ap. Gratian Caus. XXXIII. Qu. III. Dist. v. c. 6: He who . . . detains unjustly the property of another, let him realise that he cannot come to true repentance . . . unless he restores what he has taken unjustly. Lynd. 333 observes that restitution is often required in foro animae, when it cannot be enforced in foro contentioso—as from a hypocrite who has made money by pretending to be a good Christian, from a gambler unlawful gains, rights acquired by statutes of limitations through no fault of the loser's or by the ignorance of a judge, debts confessed for no consideration. Lynd. 332, 338, 346, 11, 264.

(158). Gregory ap. Gratian Caus. XIV. Qu. VI. c. 2: Since what has been consecrated cannot [in this case] be restored, let it be your care that the bishop compensate for the value. Augustin *Ibid.* Qu. v. c. 15, says there are cases in which what has been improperly taken need not be restored, as a bribe to do wrong. Lynd. 322, 332, 278 says that by the custom of England a corpse can be attached for debt.

(159). Augustin ap. Gratian Caus. XIV. Qu. VI. c. 1; Alexander III. in Decret. Lib. v. Tit. XIX. c. 5; Rule 4 in Sext.; Const. 8 Reynolds, A.D. 1322.

(160). Lynd. 333.

(161). Lynd. 290.

(162). Cyprian Ep. 79 (Oxf. 43), 3: Heretics take away repentance, and teach that the Lord should not be appeased through bishops and pres-

when offered to God with the prayers of the Church, is twofold ([163]): (1) It unlooses the bond of guilt, and procures for the offender God's forgiveness, restoring him to life ([164]) and the forfeited state of salvation ([165]); (2) It unlooses the bond of punishment, in all cases doing away with eternal punishment ([166]), and only retaining temporal punishment as

byters. De Laps. c. 29: Let each one confess . . . while the satisfaction and remission made by the priests are pleasing to the Lord. Firmilian ad Cypr. Ep. 74 (Oxf. 75), 4: Not as though they obtained forgiveness of sins from us, but that, by our means, they may be converted to the understanding of their sins, and may be compelled to give fuller satisfaction to the Lord. It was held by Peter Lombard and the older Schoolmen that unless there is true contrition of heart sacramental absolution is unavailing. The view now generally taken is that confession, penance, and the prayer of the priest have, through the power of the Holy Ghost, a sacramental effect, and intensify attrition so as to deserve forgiveness. Morinus states that the declaratory form of absolution was introduced to emphasise the latter view. Ayliffe 19: 'Tis certain that our Saviour left power in His Church to absolve men from their sins, but it was founded upon repentance. Liebermann Inst. Theol. VI. 550. See note 15.

(163). Iren. III. 18, 2: As it was not possible that man, who had been destroyed by disobedience, could reform himself, or that he could obtain salvation who had fallen under the power of sin . . . the Son effected both these things. Tertullian de Poenit. c. 6: Whilst pardon is in abeyance there is prospect of penalty. Augustin Serm. II. in Psal. ci.: When thou hearest a man expose his conscience in confession, he is already brought forth from the tomb. When, and by whom, is he unloosed? It is written, "Whatsoever things ye shall bind upon earth," &c. In the Anglo-Saxon rite, ap. Soames 296, the priest prays: [1] Overlook the sins of penitents; and [2] graciously grant discharge from penance (indulgentiam) and peace. Innocent III. A.D. 1199, in Decret. Lib. V. Tit. XXXIX. c. 28: The bond with which the sinner is bound before God is dissolved in the remission of guilt, that with which he is bound before the Church when the sentence is relaxed. . . . The Lord first raised Lazarus, and then when he was raised bade the apostles unloose him. Liebermann VI. 566.

(164). Iren. IV. 20, 5, quoted in *Baptism*, notes 236 and 241.

(165). Tertullian *Ibid.* c. 9, calls it, "being restored to forfeited (prodactae) salvation."

(166). Iren. III. 23, 1: If man, who had been created by God that he might live, through being injured by the serpent that corrupted him should not any more return to life . . . God would have been conquered.

an instrument of amendment. The pardon itself is God's gift (167); the sentence declaring it is the sentence of the Church, which Christ has promised to ratify in heaven (168);

Ibid. 3: Eternal fire was not prepared for man, . . . yet they too shall justly feel it who persevere in wicked works without repentance and without amendment. Tertullian de Poenit. c. 12: Exemologesis will extinguish hell for you. Elfric Hom. in Soames I. 302, and Lingard I. 334: If he confess his sins through contrition, then goeth he forth from the tomb as Lazarus did at the bidding of Christ. Then shall the teacher unbind him from the eternal punishment, as the Apostles unbound the body of Lazarus. Lynd. 237, 334.

(167). Iren. v. 13, and 19, 1: In what way can sins be truly remitted, unless He against whom we have sinned Himself grants remission? Cyprian de Laps. c. 17: The Lord alone can bestow pardon for sins which have been committed against Himself. Ambrose ap. Gratian Caus. XXXIII. Qu. III. Dist. l. c. 51: The word of God forgives the sin, the priest is the judge who pronounces the sentence. *Id. Ibid.*, Caus. XXIII. Qu. V. c. 49: Sins are remitted by the word of God, of which the Levite is the interpreter, and in a sense the executor. They are also remitted by the office of the priest and the sacred ministry. *Id.* De Spirit. Sanct. III. 18: Men give their ministry in the remission of sins, but they exercise not the right of any power, for they do not forgive sins in their own name, but in the name of the Father, Son, and Holy Ghost. They pray; God giveth. The execution is through man, the gift from the power on high. Gregory de Poenit. I. c. 2; Chrysost. Hom. 5, de Verbis Isaiah: Heaven takes its initiating act from earth, for the judge sits upon earth; the Lord follows the servant. Innocent III. A.D. 1199, in Decret. Lib. V. Tit. XXXIX. c. 28: The Church sometimes binds those whom God looses; hence Christ, after raising Lazarus, said to His disciples, Loose him and let him go. Concil. Lat. IV. Can. 65, *Ibid.* Lib. V. Tit. XXXVIII. c. 12.

(168). John XX. 22: As My Father hath sent Me, even so send I you; and v. 22, 27: The Father had committed all judgment to the Son. 2 Cor. V. 19: *Θεὸς ἦν ἐν Χριστῷ κόσμον καταλλάσσων ἑαυτῷ . . . καὶ θέμενος ἡμῖν τὸν λόγον τῆς καταλλαγῆς* (having placed in our charge for Himself the ministry of reconciliation). Cyprian Ep. 53 (Oxf. 57): He who gave the law that things which were bound on earth should be bound in heaven, allowed also that things might be loosed there which were first loosed here. Pacian Ep. 1 ad Symphor.: Quod per sacerdotes facit, ipsius Christi potestas est. Lynd. 236, 327, calls the shrift the vicar of Christ, because he holds the place (vices) of Christ. Lynd. 237, 334, 337: Although God alone forgives sins, yet the priest exercises his office in imposing penance.

the minister of the sentence which is called absolution (169) does not, however, act simply ministerially, but he acts judicially, being bound first to weigh the sufficiency of repentance and amendment, and afterwards under the Spirit's guidance to interpret the Divine judgment (170). Should he in so doing act arbitrarily or capriciously, or should the repentance, confession and satisfaction upon which his sentence is passed be feigned or unreal, the Lord will amend the sentence of His servant (171), and it will not effect a loosing in heaven.

The Completion of Reconciliation, Annealing or Extreme Unction.

22. After health comes sickness. To provide for this the Apostles, in accordance, as it is believed, with instructions received from Christ, instituted the anointing of the sick by the presbyters of the Church as a means of grace, whereby, in

And as Innocent [IV.] says: A sinner is never absolved by God who has bound himself by sin, except he be absolved by a priest.

(169). Tertullian de Poenit. c. 12: Is it better to be damned in secret than to be absolved in public?

(170). Chrysost. de Sac. Lib. III., after saying that the Jewish priests only declared a man cleansed from leprosy, continues: But to our priests it is conceded not merely to declare them cleansed, but to cleanse them. Dionys. Eccl. Hier. II. 7: The hierarchs have discriminating powers as interpreters of Divine judgment, . . . deciding by the motion of the Divine Spirit those who have been already judged by the Lord according to their deserts. The Council of Trent, Sess. XIV. c. 6, says: Non est solum nudum ministerium . . . sed actus judicialis quo ab ipso velut a judice sententia pronunciatur. On the other hand, Hooker VI. c. 6, asks: Does absolution really take away sin, or but ascertain us of God's merciful pardon? . . . The latter is our assertion.

(171). Cyprian Ep. 51 (Oxf. 55), 18, A.D. 252: We do not prejudge when the Lord is to be the judge, save that if He shall find the repentance of the sinner full and sound, He will ratify what shall have been determined by us. If, however, any one should delude us with the pretence of repentance, God will judge of those things which we have imperfectly looked into, and the Lord will amend the sentence of His servants.

answer to the prayer of faith, sins might be remitted, the temporal consequences of sin be alleviated, and bodily health be restored, if that were for the soul's health (172). Sickness being generally looked upon as one of the punishments due to sin (173), this anointing was resorted to in all cases of illness, more particularly in cases of serious illness. When exclusively used for mortal sickness, as became the custom after the tenth century, it was called extreme unction or annealing, the sacrament of the departing (174), or the prayer of the oil (εὐχέλαιον), and was held to be the consummation and completion of the penance of life, occupying the same position in regard to the sacrament of penance that confirmation holds to the sacrament of baptism (175).

23. The essentials of annealing or unction are oil without the admixture of any foreign ingredient as the remote matter, and the application of it to the sick person's body as the proximate matter. The form consists in the prayer of the presbyters, which in early times was said by all together in the sick man's chamber after he had been anointed with oil, but after the fourth century appears to have been said over the oil by anticipation, the oil being then carried away and kept by the faithful against emergencies (176). After the ninth century, when the oil was no longer given out to the people, the oil specially consecrated for this purpose was known as the sick man's oil. Where, as in the East, the oil is not hallowed by anticipation,

(172). Mark VI. 13 ; James V. 14 ; Innocent, A.D. 416, ad Decentium c. 8, ap. Gratian I. Dist. XCV. c. 3.

(173). 1 Cor. XI. 30 : For this cause many are sick among you.

(174). Lynd. 43.

(175). Thorndike V. 562 ; Devoti Lib. II. Tit. II. § 96 ; Liebermann VI. 798. In the fourteenth century the Armenian laity neglected confession in the belief that extreme unction wiped out all the sins committed during lifetime. To counteract this practice the Armenians then gave up the use of extreme unction.

(176). Innocent ap. Gratian l. c. : There is no doubt [St. James'] words ought to be received and understood of the faithful who are sick who may be anointed with the sacred oil of anointing, which, after it has been made by the bishop, not only priests but all Christians may use for the purpose of anointing in their own need or in the need of their friends.

the form which constitutes it a sacramental sign is the prayer wherewith it is hallowed; but the form which makes its administration avail to the recipient is the prayer or words wherewith it is administered. According to some, even when solemnly hallowed oil is used, the words of administration constitute the only form (177).

24. As the anointing prescribed by St. James was a corporate act, in which the whole body of the presbyters took part, the assistance of several presbyters, alike in East and West, was formerly held necessary to administer unction regularly (178). In the West seven or more presbyters were formerly required to assist the bishop (179) when he solemnly hallowed the oil on Maundy Thursday, but otherwise the hallowing took place with less solemnity than was employed for the consecration of the chrism (180). The Roman rule and the Western rule which now follows it, require the oil to be consecrated by a bishop (181);

(177). According to Lyndwood 36 the Church of St. Ambrose used the words, Ungo istos oculos, aures etc . . . olio sanctificato in nomine Patris et Filii et Spiritus Sancti. Gregory directed the application to be made in the form of a prayer: Per istam unctionem et suam piissimam misericordiam indulgeat tibi Dominus. Concil. Trident. Sess. XIV. c. 11.

(178). Liebermann, VI. 792. This was the practice in the Western Church, according to Devoti. Sacram. Gregor: Multi sacerdotes infirmos perungunt in quinque sensibus corporis. The writer of the life of Carolus Magnus states that he was anointed with oil by many bishops. In Leofric Missal 240, it is said: After the sick man has been anointed let the following prayers be said, one by each priest. Then follow seven prayers. Benedict. XIV. de Syn. Lib. VIII. c. 4, no. 5.

(179). Leofric Missal, p. 222. Two jars (ampullae) of oil are brought in, offered by the people, and as well the lord bishop (dominus papa) as all the presbyters bless them. *Ibid.* p. 258 speaks of twelve presbyters as witnesses and co-workers of the sacred mystery of the chrism.

(180). Ordo S. Amandi, A.D. 800, ap. Duchêsne, p. 450. The oil of the sick was at first one and the same as the catechumens' oil. Leofric Missal, p. 257, says: Oleum ad unguendos tam infirmos quam energumenos. Lynd. 36 says that in his time it was a different oil.

(181). Concil. Carthag. II. A.D. 390, ap. Gratian Caus. XXVI. Qu. VI. c. 1, and Concil. Carth. III. A.D. 397, *Ibid.* c. 2, forbid this to a presbyter. Apost. Const. VIII. 29: Let the bishop bless the water or the oil. . . . Gelasius, A.D. 494; *Ibid.* 1 Dist. XCV. c. 2; and Concil. Hispal. II. A.D.

but in some parts of the East a single presbyter is allowed to hallow it on behalf of all (182).

25. So long as it continued to be the custom to give out the consecrated oil for private use the administration of unction was undertaken by any Christian who had the hallowed oil at hand (183). Since the ninth century, when this practice was discontinued (184), the sick man's oil is only intrusted to those in holy orders, presbyters or bishops being deemed the proper administrators (185). A single presbyter can administer unction when more cannot be had (186), and in case of emergency it may be administered by any presbyter (187); but the regular administrant is the parochial incumbent, who ought to be assisted by at least one other presbyter, or where another presbyter cannot be had, by a clerk or layman (188).

26. According to early practice the sick man's oil was applied to any part of the body, generally to the breast or to the part affected (189). The old English use was to anoint the eyes, shoulders, nose, lips, breast and reins, hands, crown, and feet, in the order named, each part, after a general prayer in the name of the Trinity, being anointed by a separate presbyter

619, *Ibid.* 1 Dist. LXVIII. c. 4, also reserve the consecration to a bishop. Theodori Poenit. II. III. 8, in H. & S. III. 193: According to the Greeks a priest may make the exorcised oil and the chrism for the sick if necessary. According to the Romans this is only allowed to bishops.

(182). Theodori Poenit. l. c. Apost. Const. VIII. 29: If the bishop be not there let the presbyter bless [the water or the oil], the deacon standing by. Goar Euchol. Graec. § 436; Benedict XIV. allowed presbyters to hallow it in some places. Devoti, § 89.

(183). Innocent I. l. c., quoted above, note 176.

(184). The hallowing of the oil-cruets of private Christians is found in Ordo Amandi, A.D. 800, ap. Duchêsne, p. 450, but it has disappeared in Leofric's Missal.

(185). Innocent ap. Gratian 1, Dist. XCV. c. 3; Const. 3 Reynolds, A.D. 1322: Let the sick man's oil be carried with great reverence to the sick, and let the priests anoint them with great devotion, and with the use of prayers provided for that purpose. Devoti, § 92.

(186). Alexander III. in Decret. Lib. v. Tit. XL. c. 14.

(187). Devoti, § 93.

(188). Lynd. 36.

(189). Mabillon and Menard, quoted by Devoti, § 90.

with a separate prayer (190). The Roman use is to anoint the five organs of sense. In women the reins are not anointed, nor yet in men when illness prevents their being conveniently moved (191). The Greeks anoint the brow, the chin, both knees, then the breast, both hands, and lastly the feet (192). The priest who administers annealing should be vested in surplice and stole (193), and the pads of lint used for wiping off the oil should be carefully burnt.

27. The proper subjects of annealing are all baptized Christians (1) who are sick or in danger of death (194); (2) who are at the time in a state of grace (195); and (3) who being adults, *i.e.*, having reached their fourteenth year, desire to receive it (196).

(190). Leofric Missal, p. 240, gives (1) the prayer in the name of the Trinity, (2) the prayers used in anointing each part, and (3) the prayers then said by each of the anointing priests. The prayers used in anointing are much longer than those in the Roman rite.

(191). Decret. ad Armenos Eugenii IV. A.D. 1439, ap. Devoti, § 90.

(192). Arcudius Lib. V. c. 7.

(193). Lynd. 36 ; Craisson, § 3937.

(194). Egbert's Excerpt, A.D. 740 : If any one be sick let him be anointed by the priests with hallowed oil. Edgar's Law 65, A.D. 965 ; Const. 9 Peckham, A.D. 1281 : Extreme unction ought to be given to them only who seem to be in danger of death. Const. 3 Reynolds, A.D. 1322, says that it should not be administered to those who are well, because, says Lynd. 36, for them there is another remedy—penance. Illness includes old age, a wound, childbirth, but not the prospect of being executed for crime. Craisson, § 3942 ; Liguori VI. 717, says that in a doubtful case it ought to be administered.

(195). Innocent, A.D. 416, l. c. The hallowed oil may not be used to penitents because it is a kind of sacrament, and how can those to whom all sacraments are forbidden be allowed the use of one kind ? Innocent III. A.D. 1204, in Decret. Lib. I. Tit. XV. § 1 : There are two kinds of unction —one outward, which is material and visible, the other inward, which is spiritual and invisible. Of the first St. James says, Is any sick, etc. Of the second the apostle St. John says : But the anointing which ye have received abideth in you, etc. The outward visible unction is the sign of the invisible unction, but the inward unction is not only a sign but a sacramental reality, because, if it is worthily received, without doubt it effects and increases what it professes.

(196). Const. 3 Reynolds, A.D. 1322.

It may also be administered to persons mentally affected at lucid intervals, provided they were previously of repentant mind (197). The early English use prescribed the repetition of annealing every day for seven days, provided the sick man survived so long (198), but the Roman use, introduced by Archbishop Reynolds in the 14th century, only permitted it to be given once a year (199), except in a case of fresh illness (200). Being a species of penance, it was in some churches not given to persons of saintly life who did not need penance (201). For the same reason the ancient rule required it to precede the administration of the viaticum or last communion (202), but the Roman practice since the 13th century has inverted this order (203). In the East the oil, which is solemnly consecrated on Maundy Thursday, is not reserved to be used for unction at a future time, but is at once employed to complete sacramentally the forgiveness of those who have confessed their sins and received absolution (204).

28. The effect of annealing is to convey to the recipient the strengthening power of the Holy Ghost, which, by the prayers of the presbyters and people, has been first communicated to the hallowed oil. When administered to one who is a fit

(197). Arcudius Concord. Lib. v. c. 4 states it to be the custom of the Greeks to give annealing to those distressed in mind. Const. 9 Peckham, A.D. 1281: We advise that [extreme unction] be given to them that are in a phrensy or aberration of mind if they had before a care of their salvation with assurance. For we believe that the receiving thereof contributes to their getting a lucid interval, or at least to their spiritual good and increase of grace, upon condition that they be sons of predestination.

(198). Leofric's Missal, p. 241.

(199). Const. 3 Reynolds, A.D. 1322: Let them teach the people that the sacrament of extreme unction may be received again after one year, *i.e.*, once in one year in grievous sickness, when there is a fear of death.

(200). Devoti, § 96, following Thomas Aquinas, Suppl. III. Qu. 33, art. 1.

(201). Liebermann VI. 784.

(202). Sacram. Greg., followed by Leofric Missal 241; Can. 32 Elfric, A.D. 957.

(203). Bridgett, Hist. of Eucharist I. 233.

(204). Devoti, § 95. Benedict. XIV. De Syn. Lib. VIII. c. 5, no. 5, calls this a mere ceremony.

subject to receive it (1) it strengthens him to meet the last attack of the ghostly foe, and restores him to bodily health if that be for the good of his soul; (2) it alleviates the temporal sufferings caused by sin by imparting a firm trust in the Divine mercy; (3) it gives forgiveness, and exterminates the last remains of sin ([205]). Whether this forgiveness extends to mortal as well as to venial sins is a moot point ([206]). Annealing ought, therefore, always to be preceded by confession and penance ([207]).

(205). James v. 14 enumerates them : (1) the prayer of faith shall rescue the distressed one (*τὸν κάμνοντα*), which may apply equally to distress of mind or body; (2) the Lord shall raise him up, which also applies to soul as well as body; (3) if he have committed sins it shall be forgiven him (*ἀφεθήσεται αὐτῷ*). The bishop prays in Apost. Const. VIII. 29 : Grant to them [*i.e.*, the water and the oil] power to restore health, to drive away diseases, to banish demons, and to disperse all snares. Edmund's Speculum Ecclesiae c. 14, A.D. 1236 : Unction delivers the infirm who are in danger of death from corporal and spiritual penalties.

(206). Lynd. 36 states that it only gives forgiveness of venial sins. Liebermann VI. 793 says mortal as well as venial. Craisson, § 3916.

(207). Elfric. Can. 32, A.D. 957 : The sick man before his anointing shall with inward heart confess his sins to the priest, if he hath any for which he hath not made satisfaction according to what the apostle taught. And he must not be anointed unless he request it and make his confession. Edgar's Law 65, A.D. 960.

V.

ORDER AND ORDINATION.

ORDER GENERALLY.

1. Order is, properly speaking, the arrangement of things equal and unequal by assigning to each its proper place (1). When applied to persons in the Church it is used to express the placing of individuals in any rank or estate (2) which in relation to others has distinct duties. In this sense there are sometimes said to be five orders, those of catechumens, the faithful, officers of service (ministri), elders (presbyteri), and overseers (episcopi) (3); at other times three, viz., the faithful, officials, and penitents (4); or otherwise, the faithful living in the world, the faithful under vows, and the faithful holding office (5). Ordinarily two estates only are distinguished (6),

(1). Augustin de Civ. Dei XIX. 13, 1: Ordo est parium dispariumque rerum sua cuique loca tribuens dispositio.

(2). The term Ordo is first met with in Tertullian Exhort. ad Cast. c. 7, A.D. 196, quoted in *Baptism*, note 215, where it is used to denote the presiding ranks, *οἱ προιστάμενοι* of 1 Thess. V. 12; *οἱ ἡγούμενοι* of Heb. XIII. 7, 17, 24; *οἱ προηγούμενοι* of 1 Clem. Rom. 2, 1; Hermas, Vis. III. 9. It is called *τάξις* by Clem. Rom. 41; Concil. Ancyr. A.D. 314, Can. 4; Concil. Neocaesar. A.D. 314, Can. 1; Concil. Laodic. A.D. 363, Can. 3; Socrates VI. 18; VII. 7; in Hellenistic Greek, *κλῆρος*.

(3). Hieronym. in Esai. v. 19, 18, speaks of *fideles* and *catechumeni* as forming two out of the five estates of the Church (ordines ecclesiae). 1 St. Peter v. 3 directs the clergy not to domineer over the estates (*οἱ κλῆροι*). Concil. Neocaesar. A.D. 314, c. 5 calls the catechumens a *τάξις*.

(4). Liebermann VI. 736.

(5). Greg. Mor. Lib. XXXII. c. 20 says the Church consists of three orders, conjugatorum, continentium atque rectorum. *Id.* in Ezek. II. Hom. II. c. 5, says that the Church consists of bonorum conjugum, continentium, praedicantium. Raban Maur. de Inst. Cler. Lib. I. c. 2: Tres sunt ordines in ecclesia, laicorum, clericorum et monachorum.

(6). Iren. IV. 26, 4 speaks of the ordo presbyterii. Concil. Nic. A.D. 325, Can. 5, of the *λαικὸν τάγμα*. Hieronym. ap Gratian Caus. XII. Qu. 1. c. 7:

one to which admission is given by the sacrament of baptism, the order of laymen, the other to which admission is given by some form of benediction, the order of church officers (7), whose lot or inheritance is in the Lord's portion (8). The latter are said to constitute the clergy (9).

2. Whether used of clergy or laity the term order still admits of three senses which require to be distinguished. (1) It denotes the persons who form the rank or estate; (2) the position which they occupy in the Church; and (3) the spiritual gift, whether character or authority, which is imparted to them by the benediction for the duties of their position (10). This spiritual gift is sometimes a true spiritual character, sacramentally bestowed by the use of a sacred sign or symbol (11), as when the presbyterate is called an order; at

There are two classes of Christians, one devoted to Divine service, to contemplation and prayer, as are the clergy . . . the other that of laymen.

(7). Siricius, A.D. 385, ap. Gratian I. Dist. LXXVII. c. 3: Whoever therefore has devoted himself to the Church. Socrates I. 14 speaks of Arius finding means to enter the Church. Hieronym. ap Gratian Caus. XII. Qu. I. c. 5.

(8). Hieronym. l. c. Clementines *Ibid.* c. 2; Augustin *Ibid.* I Dist. VIII. c. 1.

(9). Cod. Theodos. Lib. XVI. Tit. 2, 2: Qui divino cultui ministeria religionis impendunt clerici appellantur. Isidore de Eccles. Offic. II. 1, 1: Omnes qui in ecclesiastici ministerii gradibus ordinati sunt generaliter clerici appellantur.

(10). Thus in the phrase *πεπαύσθω τοῦ κλήρου* or *ἄκυρος ἔστω ἡ χειροτονία*, *κλῆρος* is used in the second sense to express position in the Church, and by the Greeks order is more often used in this sense. When, however, order is called a character, and is said to be indelible, and is forbidden to be reconferred, it is used in the third sense, to express the spiritual gift.

(11). Hugo de St. Victor in Lynd. 117, 309, defines it as a sacred sign or symbol whereby spiritual power is bestowed on the ordained for his office. The Schoolmen define it as the gift of a spiritual power, and the conferring of grace for the discharge of ecclesiastical ministrations. Moroni calls it a sacred rite, whereby a Christian receives power to exercise sacred functions, and the grace to exercise them faithfully. Devoti, Lib. II. Tit. II. § 97, defines order as "a sacrament in which by a solemn inauguration a power is bestowed for discharging sacred functions." Hooker II. 588 calls it "a gracious donation which the Spirit of God doth bestow." Cranmer in Lord's Formularies of Faith, 1856, p. 277:

other times a dignity or accession of authority, as when the episcopate is called an order (12); at other times a simple setting apart for authorised service, as when the doorwardenship is called an order (13). The term order is not, however, used of any class of persons temporarily holding office in the Church, to whose ranks admission is given without the use of a sacred sign, or of any class which is not specially set apart for some Eucharistic purpose (14).

3. In a sacramental sense order may be defined to be a spiritual gift or Divine qualification bestowed from above, in answer to the prayers of the Church, by the use of some sacred sign, the recipients of which are fitted in a greater or less degree to represent Christ before the world (15) and their fellow-men in intercession before God (16). This gift, promised to the Apostles by Jesus Christ when He was upon earth, and bestowed on them on the day of Pentecost, when the Spirit fell upon them, is held to be by transmission inherent in the whole body of baptized Christians collectively, but

Order is a gift or grace of ministration in Christ's Church, given of God to Christian men by the consecration and imposition of the bishop's hands upon them.

(12). Decret. Lib. I. Tit. XIII. c. 1.

(13). Lynd. 117 gives the above threefold division. Ayliffe 400. They are called respectively dignitates, ordines, et ministeria. Decret. Lib. I. Tit. VI. c. 7; Ambros. ap Gratian Caus. I. Qu. I. c. 83; and Augustin *Ibid.* c. 84, distinguish offices from spiritual gifts.

(14). Can. 18 Elfric, A.D. 957: There is no order appointed by ecclesiastical institution but these seven [which have to do with the Eucharist]. Monkship and abbotship are of another sort. On this ground kingship is also held not to be an order, although admission is given to it by the use of a sacred sign and anointing. Pupilla Oculi in note 37.

(15). In Luke X. 16 Christ says to the Seventy: He that heareth you heareth Me; in Math. XXVIII. 19: Lo, I am with you always. Conf. Gal. VI. 17. Hilary, A.D. 375, Quaest. in Nov. Test. 44 calls a presbyter (1) sacerdos Dei, and (2) praepositus plebis. See *Baptism*, note 223.

(16). Tertullian Apol. 30 dwells on the intercessory powers of Christians generally. Origen, in Lev. V. 3, states that Christ gave His priestly office to the Church, and that deacons and priests consequently take upon themselves the sins of the people, and imitating the Master grant remission of sins.

diffusedly, each sharing in it more or less according to his merits (17). In this sense the Church is said to be the home of the Spirit, and all the faithful who have not lost the grace of the Spirit constitute a holy order, a royal priesthood, and have collectively the power of binding and loosing (18).

(17). Acts II. 17, 18; Math. XVIII. 15–18; 1 Cor. XII. 10, 28; Rom. XII. 6, 7 speaks of the χαρίσματα of prophecy, &c. Eph. IV. 11; 1 Clem. c. 38: Let each man submit to his neighbour, as he was appointed, in the special grace given him (ἐν τῷ χαρίσματι αὐτῶν). Iren. I. 23, 1: The Apostles filled with the Holy Ghost through the laying on of hands those who believed in God. Hippolyt. Haer. Prooem.: None will refute heresies save the Holy Spirit bequeathed unto the Church, which the Apostles having in the first instance received have transmitted to those who have rightly believed. Iren. II. 32, 1: Those who are in truth His disciples, receiving grace from Him, do in His name perform miracles so as to promote the welfare of other men, according to the gift which each one has received from Him. For some do certainly drive out devils. . . . Others have foreknowledge of things to come. . . . Others still heal the sick. . . . Yea, moreover, the dead even have been raised up. . . . It is not possible to name the number of the gifts which the Church throughout the world has received from God in the name of Jesus Christ. *Ibid.* III. 4, 1: The Apostles, like a rich man, deposited in the hands of the Church all things pertaining to the truth. Origen contr. Celsum I. 46: There are still preserved among Christians traces of that Holy Spirit which appeared in the form of a dove. They expel evil spirits, and foretell many cures, and foresee events according to the will of the λόγος. De Prin. IV. 1, 29: Christ is in each individual in as great a manner as the amount of his deserts allows. Cyprian Ep. 75, ad Magnum (Oxf. 69) 11, A.D. 255. Cyril. Catech. XVI. A.D. 350: The Holy Ghost, one and uniform and undivided in Himself, distributes His grace to every man as He wills. He employs the tongue of one man for wisdom; the soul of another He enlightens by prophecy; to another He gives power to cast out devils; to another to interpret the Divine Scriptures. He strengthens one man's self-command; He teaches to another almsgiving, another to fast and train himself; another He trains for martyrdom; diverse to different men, yet not diverse from Himself. Clem. Strom. VI. 13: One who lives perfectly according to the Gospel is in reality a presbyter of the Church and a true deacon of the will of God. . . . And although here on earth he be not honoured with a first rank seat (πρωτοκαθεδρία), he will sit down on the twenty-four thrones as John saith. Gregory ap Gratian I. Dist. LXXXIX. c. 1.; Innocent III. in Decret. Lib. V. Tit. VII. c. 12.

(18). In 1 Cor. V. 3–5 St. Paul condemns in Christ's name συναχθέντων

4. By a particular benediction, or unanimous prayer on the part of the whole Church, the effect of which is communicated by the imposition of hands ([19]), the special power of the Spirit bestowed on St. Peter and the other Apostles by Christ, which qualified them to act as stewards of the Church ([20]), is com-

ὑμῶν (the C h u) *καὶ τοῦ ἐμοῦ πνεύματος, σὺν τῇ δυνάμει τοῦ Κυρίου ἡμῶν.* In 2 Cor. II. 5–11 the punishment is spoken of as inflicted by the community (*οἱ πλείονες*), and the forgiveness is assigned to them: *ᾧ δέ τι χαρίζεσθε, κἀγώ.*

(19). Pseudo-Ambros. in 1 Tim. III. 13, A.D. 400: Layings on of hands are mystical words, whereby the elect is confirmed for his work and receives authority, so that he can with a pure conscience offer sacrifice to God in the Lord's place. 1 Tim. IV. 14 calls it *προφητεία.* Lucifer de Athanas. I. 9, A.D. 360: No man can be filled with the power of the Holy Ghost to govern God's people save he whom God has chosen and on whom hands have been laid by the Catholic bishops.

(20). In John XX. 22 the words are: Receive a holy gift of the Spirit (*λάβετε Πνεῦμα ἅγιον*); in 2 Tim. I. 6 it is called *χάρισμα.* That the Apostles in ordaining must have conveyed or rather have by their prayers procured to be transmitted some higher gift of the Spirit for those on whom the Spirit had been already outpoured is clear, because (Acts I. 22; XIII. 2; XX. 28) those ordained by them are said to have been ordained by the Holy Ghost. Iren. IV. 26, 4 and 5; I. 13, 4: The gift of prophecy is not bestowed on men by Marcus the magician, but only on those on whom God sends His grace from above. Tertullian Apol. c. 39: Among us the work of judging is done with great gravity as before qualified (certos) persons [deputed] from the face of God. Teaching of the Apostles, p. 36: At the time of early dawn Christ lifted up His hands and laid them upon the heads of the eleven disciples, and gave to them the gift of the priesthood. And suddenly a bright cloud received Him up. Iren. Haer. III. 1, 1: The Apostles were invested with power from on high when the Spirit came down on them. Methodius, Banquet of the Virgins, Diss. II. c. 3; Hilary Quaest. in Nov. Test. 93, ap. Migne XXXV. p. 2281, A.D. 375: The Lord is said to have breathed on His disciples after His resurrection. . . . This inbreathing of Christ is a certain grace which, by transmission (per traditionem), is infused into those who are ordained, by which they are made more acceptable. For as the Holy Ghost was bestowed on the Saviour in visible form that there might be no doubt that He is invisibly bestowed on them that believe after baptism, so He was inbreathed at the beginning that He might be believed to be imparted by ecclesiastical transmission. *Id. Ibid.:* The forms of three offices of the Holy Ghost were given to the apostles. The first, which is general, was given at

municated to individuals in varying degree for general or local use ([21]), whereby they are deputed to represent Christ more perfectly before the world, and their fellow-Christians more acceptably before God. This special power constitutes what is technically called order, the sacrament of the perfect ([22]), the gift of second or superior worth ([23]). And as there was but one inbreathing of Christ ([24]) after His resurrection by which the Apostles received ecclesiastical power, although there were many commissions given to them, so there is but one

Pentecost, when the Spirit fell on all. . . . The second is particular, not belonging to all the faithful, but only to bishops, so that by the laying on of hands they gave the Holy Spirit to the baptized. . . . The third was given only to the Apostles, the power of working signs and wonders. Theophylact Com. in Joan.: They who, together with Peter, were endowed with the grace of oversight, have authority to remit and bind. Basil Ep. 188: For those who first went forth from the Fathers had ordination, and by the laying on of their hands they had the spiritual gift. Rabanus de Cler. Inst. I. 30, A.D. 834: The same Spirit was given to the Apostles twice by Christ—once upon earth after His resurrection, and once from heaven after His ascension. Concil. Aquisgran. A.D. 806, ap. Amalarius c. 9: The sacerdotal order in the New Testament took its rise from Peter. To him authority was first given, but the other apostles were admitted to share his honour.

(21). Origen de Prin. I. 3, 7: There is another grace of the Holy Spirit which is bestowed upon the deserving through the ministry of Christ, in proportion to the merits of those who are rendered capable of receiving it. *Id.* contra Celsum VII. 51: The words "Receive the Holy Ghost," refer to a higher degree of spiritual influence than the passage, "Ye shall be baptized with the Holy Ghost." Apost. Const. VIII. 16.

(22). Athanas. Ep. ad Dracont. 3 and 4 calls the gift of order as real a gift as the grace of baptism. Gregor. Nazianzen, Orat. XLIII. 78 says of Basil: He gives the hand of the Spirit. Augustin ap. Gratian Caus. I. Qu. I. c. 97 calls order as much a sacrament as baptism. *Id. Ibid.* III. Dist. IV. c. 32: He who is baptized has the sacrament of baptism, and he who is ordained has the sacrament of giving baptism.

(23). In the Missale Francorum, the consecrator prays that the presbyter may receive and hold from God secundi meriti munus. Leofric Missal, p. 215: Give to this thy servant the dignity of the presbyterate, renew within him the spirit of holiness, and let him receive from Thee the gift of superior worth.

(24). John XX. 22.

sacrament of order (25). Nevertheless, since the perfect concentration of this higher gift upon individuals is not usually accomplished all at once, but by steps or degrees (26), each of these degrees is called, in a specific sense, an order, not as being a distinct sacrament in itself, but as forming part of and having a distinct share in the one sacrament of order (27).

5. The Roman Church in mediaeval times, and the English Church following it, recognised and allowed seven steps or degrees in order (28), and the Spanish and early Gallican

(25). It is recorded that Christ first authorised His disciples (the seventy) to baptize (John IV. 2) and cast out devils (Math. x. 28), then to interpret His law by deciding what was and what was not sin (Math. XVIII. 18). Next He commissioned the Apostles (the Twelve) to "do this in remembrance of Me" (Math. XXVI. 26). Anon by inbreathing He gave both Apostles and disciples the power of bestowing the Holy Ghost, and of retaining and remitting sins (John XX. 22), and authorised the Apostles to make disciples of all nations (Math. XXVIII. 19). And lastly He commissioned St. Peter (John XXI. 15), to whom He had already promised the keys of the kingdom of heaven (Math. XVI. 18, 19), to feed and pasture His sheep. Excepting the inbreathing, which was a gift of power, the rest were commissions of authority, given to them partly as constituting the Church, partly as rulers or stewards of the same, and partly to St. Peter as chief steward (Luke XII. 41–43; Math. XVI. 18, 19; John XXI. 15). So Clement ad Rom. I. 42, A.D. 95: Having therefore received their commissions, and being fully assured by the resurrection of our Lord Jesus Christ, and confirmed in the word of God with full assurance of the Holy Ghost, they went forth proclaiming that the kingdom of heaven was at hand.

(26). Euseb. x. 4: In this temple [the Church] there are also thrones, many seats and benches in all the souls in which the gifts of the Holy Ghost reside. But in the chief of all [the bishop] Christ Himself, it may be, resides in His fulness. In those that rank next to Him each one shares proportionately in the distribution of the power of Christ and of the Holy Spirit. There may also be seats for angels in the souls of some, who are committed to the instruction and care of each.

(27). Const. 3 Peckham, A.D. 1281; Durandus and Caietan ap. Craisson, § 1693; Devoti Lib. II. Tit. II. § 97. Thomas Aquin. in IV. Dist. 24, Qu. 2, art. I.: The division of order is not that of an integral whole into its component parts, nor yet that of a generic whole into its species, but that of a whole in respect of power, this power in its completeness residing in one, and others having only a certain participation in it. These steps are called βαθμοὶ in Greek, gradus in Latin.

(28). Laws of Satisfaction, A.D. 725: There are seven steps of ecclesiastical

Churches nine, some of which were regarded as actually participating in the sacramental gift of order, others as probationary steps before advancement to the participating steps. Of these the three highest according to the Roman view, the presbyterate, diaconate, and subdiaconate, are called holy orders, because they have directly to do with the service of the altar; and hierarchical orders, because they admit to a share in the Divine government of the Church; the four lower ones, those of collets, exorcists, readers and doorwardens (29) are called unsacred and non-hierarchical, because they have not directly to do with the service of the altar, neither do they admit to a share in the government of the Church. The Eastern Church only allows of four steps or degrees in order, exclusive of the episcopate, of which two, the presbyterate and diaconate, are held to be holy orders, whereas the other two, the subdiaconate and the readership, are accounted unsacred (30).

6. Each step or degree in order is by some considered to possess a sacramental character, because in it an increase of grace is bestowed by an outward sign (31). By others the sacrament of order is confined to the presbyterate, diaconate, and subdiaconate (32), because only these three have special duties in solemn worship, and admit to a share in the apostolic government of the Church. More commonly the sacrament of order is limited to the presbyterate and diaconate, because these are given by a solemn imposition of hands within the sanctuary, and some there are who confine it to the presbyterate only (33).

degrees or holy orders. Elfric, Can. 10, A.D. 957: There are seven orders appointed in the Church. Ivo of Chartres, Serm. II.; Hugo de St. Victor, Lib. II. Pars 3, c. 5; Const. 5 Peckham, A.D. 1281, quoted note 74. See *The Sacraments*, § 6.

(29). The Irish canons only recognise six orders, and have no order of collets. Duchêsne, 353. Innocent III. de Sacr. Altaris Ministerio I. 1, in Migne CCXVII. p. 775, enumerates six only as having to do with the Eucharist, because there were six steps leading up to the temple.

(30). Joan. Damasc. Dial. con. Manich. c. 3; Devoti, Lib. II. Tit. II. § 97.

(31). Elfric, Can. 12, A.D. 957. Const. 5 Peckham, A.D. 1281, Thomas Aquinas, Bellarmine, hold that each of the seven degrees is sacramental.

(32). Gousset Théologie Dogmatique II. § 425; Craisson, § 1643.

(33). Lacy's Pontifical, p. 84, states that some do not say the Litany before ordaining to the diaconate, probably on this ground.

Ordination to the presbyterate must necessarily be a true sacrament, because in it there is an outward sign, an inward grace, and a direct appointment by Christ. Ordination to the diaconate would appear to be likewise a sacrament, because it was instituted by the Apostles according to the appointment of Christ ([34]). The bestowal of any degree below the diaconate is not, however, necessarily a sacrament, though it may become sacramental if administered with corporate prayer and the use of a hallowed sign.

7. In addition to the seven steps or degrees which Western theologians enumerate as constituting order there are two other estates of men which canonists call orders, because they are ranks of men having a distinct position in the Church and distinct duties, but theologians decline to regard as orders, because they have no special function in the service of the Eucharist ([35]). These are (1) the estate of tonsured or ecclesiastical persons, who belong to the order of laymen, and (2) the estate of ruling presbyters or bishops ([36]), who belong to the order of

(34). Clem. Ep. 1 ad Cor. c. 42 : Many ages before [the Apostles were appointed by Christ, and deacons by them] it was written concerning bishops and deacons, I will appoint their bishops in righteousness and their deacons in faith [Isa. LX. 17]. Ignat. ad Smyrn. c. 6 : Respect the deacons as exercising their ministry according to the appointment of God. Liguori, Lib. VI. 742 : Since it is very probable that the delivery of the instruments is necessary, in practice it should be adhered to at least in the order of the presbyterate and diaconate, for as regards other orders it is probable that they are not sacraments.

(35). Augustin Ep. Gratian I. Dist. LXXXIX. c. 5, and I. Dist. XCVI. c. 1, and I. Dist. XXIII. c. 20; and Decret. Lib. I. Tit. XIV. c. 11, are generally relied on to show that the tonsure is deemed an order. Against that view Sext. Lib. I. Tit. IX. c. 4 is quoted.

(36). Tertullian de Bapt. c. 17 distinguishes priests from high priests (summi sacerdotes). Pseudo-Isidor. ap. Gratian III. Dist. V. c. 4, says that *summi sacerdotes* hold the place of apostles. *Id. Ibid.* Caus. II. Qu. VII. c. 38 calls them successors of the Apostles ; so also Elfric in Thorpe, p. 403 ; Hermas, Vis. III. 9, 7 mentions side by side the προηγούμενοι τῆς ἐκκλησίας (rulers and bishops) and πρωτοκαθεδρῖται (or presbyters holding the first seat). Origen in Math. XVI. 22 : Those who are intrusted with the presidency πρωτοκαθεδρία) of the laity are the bishops and presbyters. Euseb. X. 4 calls presbyters priests ἐκ τοῦ δευτέρου θρόνου. Also Hieronym. in Epitaph. in

priests ([37]). Of these nine estates the presbyterate and episcopate are alone spoken of as being full orders, and are said to constitute the priesthood (*sacerdotium*), because they exercise all the three functions of the priesthood, viz., that of making offerings, that of preparing and presenting their own and others' offerings, and that of hallowing the offering. Deacons are said to belong to the priesthood ([38]), because they exercise the two former of these functions. All the other estates, being either assistants to deacons (ministri) or having lower ministerial functions to

Paulam; Gregor. Nazianzen de Eccles. Anastas. 148; Devoti, Lib. I. Tit. III. § 87; Cavagnis II. 101; Lightfoot's Apost. Fathers II. 120.

(37). In the earliest times bishop and presbyter are used interchangeably to describe the same local officers of the Church. In Acts XX. 28 St. Paul calls the πρεσβυτέρους of Miletus ἐπισκόπους. Clem. Ep. I. ad Cor. 42: The Apostles preaching in all lands appointed the firstfruits of their teaching ἐπισκόπους and deacons. *Ibid.* 44; Apost. Can. 38 directs a synod of ἐπίσκοποι to be held, which includes presbyters. Cyprian Ep. 27, 1, Euseb. VI. 19, says that at Caesarea Origen was invited to preach by the bishops [*i.e.*, the presbyters]; VI. 23, that he received ordination from the bishops, *i.e.*, the bishop and presbyters. Cornelius, *Ibid.* VI. 43, says that Novatus was raised to the presbyterate by the favour of the bishop placing his hands upon him and ordaining him to the order of bishops. Euseb. III. 23 calls the bishop the presbyter. Thom. Aquin. in 4 sect. Dist. 24, Qu. 2, art. 2: Episcopatus non est ordo. *Pupilla Oculi*, circa 1378 A.D.: The episcopate is not properly an order but a dignity or excellence in order, because it does not impress a character, and also because every order is ordained for the sacrament of the Eucharist. Hence Lynd. 117, 309: Discordant opinions may be harmonised thus. It may be said the episcopate is not an order in the sense that in it a new character is bestowed, and thus the opinion of the theologians holds good. In so far, however, as episcopal power in regard to the [previously] forbidden sacraments depends on the power of order, it may be called an order, because order is a sacred sign whereby a spiritual power and authority is bestowed to do the things which belong to that order, and the opinion of the canonists holds good. By others presbyters are said to have the priesthood *in measure*, bishops to have it *in fulness*, so that the episcopate is an extension of the presbyterate.

(38). Optatus adv. Donat. I. 35: Why mention deacons placed in the third rank, why presbyters placed in the second priestly rank (in secundo sacerdotio institutos)? The Anglo-Saxon preost is applied to both bishops, priests, and deacons. Lingard's Anglo-Saxon Church I. 147.

discharge, constitute the *ministerium*, and in the fourth century were spoken of as being on the clergy roll ([39]).

Holy and Hierarchical Orders.

8. There is this distinction between holy and hierarchical orders that holy orders are classes of men considered as having a distinct share in the priestly character and separate duties to perform in the solemn Eucharistic worship ([40]), whereas hierarchical orders are classes of men considered as exercising authority over others and governing the Church. Besides the order of laymen, who, in so far as they are qualified to make offerings ([41]), are a holy order, there are properly only two holy orders, those of deacons and presbyters ([42]). It is the deacon's duty to prepare and present the pure offering, the presbyter's duty to hallow it by presenting his own and the people's intercessions. Since the layman's function in the priesthood, that of making offerings, came generally to be discharged by subdeacons in consequence of the decline in the standard of Christian life, it has been usual to count the subdiaconate the third holy order ([43]).

(39). Concil. Chalcedon, A.D. 451, Can. 2, speaks of bishops, presbyters, or deacons, or any others of those that are reckoned on the roll (ἐν τῷ κανόνι).

(40). Clem. 1 Cor. c. 40: Their own proper place is prescribed to the priests, and their own special ministrations to the Levites. Although as Lightfoot II. 123 observes there is no direct reference here to the Christian ministry, the indirect reference is plain. Pseudo-Isidor. *Ibid.* III. Dist. 1. c. 41 and 42; Ayliffe 119, 121.

(41). See *Baptism*, § 27. *The Eucharist*, § 4.

(42). Clem. I. 42: They appointed the firstfruits of their labours to be bishops and deacons. Cyprian de Laps. c. 6: Among the presbyters there was no devotion, among the deacons (ministri) no sound faith. Concil. Benev. A.D. 1091 ap. Gratian I. Dist. LX. c. 4, and Dist. XXXII. c. 11: The orders which by authority of Christ and his Apostles are holy are the diaconate and the presbyterate. . . . We call the diaconate and the presbyterate holy orders, because the primitive Church is said to have had these only. Teaching of Addaeus, p. 28, says that the Apostle Addaeus "appointed deacons and elders in the villages."

(43). Concil. Antioch, A.D. 341, Can. 3, appears to include subdeacons in the priestly ranks, and by implication Epiphan. Expos. Fidei c. 21.

Bishops are included with presbyters in one holy order, because they perform the same intercessory duties as presbyters in solemn worship (44). Collets are included with deacons in one holy ministry, in so far as they are allowed to take the place of deacons in ministerial duties at the altar (45).

9. The presbyterate is an estate of Christians, perfect so far as human knowledge can ascertain (46), appointed to perform

Concil. Laodic. A.D. 363, Can. 25, forbids the subdeacon to give the hallowed bread and to hallow the cup, and Can. 23 forbids him to wear a stole. Concil. Gerund. A.D. 583, Can. 1 ; Concil. Tolet. II. A.D. 531, Can. 3, imply that the subdeacon then aspired to the position of a holy order. Pseudo-Clement ap. Gratian III. Dist. II. c. 23 : The sacramental signs of the Divine mysteries are intrusted to three orders, the presbyter, the deacon, the minister [*i.e.*, the subdeacon]. Concil. Benev. A.D. 1091, l. c. : Subdeacons we allow also to be a holy order, since they minister at the altar, provided they are men of approved religion. Innocent III. in Decret. Lib. I. Tit. XIV. c. 9 : Now the subdiaconate is included among holy orders.

(44). Isidore de Eccl. Off. II. 7 : The dispensation of the mysteries of God is committed to presbyters equally with bishops. They preside over churches of Christ, and are associated with bishops in the consecration (confectio) of His divine Body and Blood, in instructing the people, and in the office of preaching. Albinus Flaccus ap. Hittorp. p. 50, says that to presbyters equally with bishops have been committed the keys of the kingdom of heaven. Hugo de St. Victor ap. Maskell Mon. Rit. II. 246.

(45). Joannes Ep. ad Senarium ap. Migne LIX. p. 405 : Acolyti sacramentorum portanda vasa suscipiunt et ministrandi sacerdotibus ordinem gerunt.

(46). Iren. III. 3, 2 : [The Apostles] desired them to be eminently perfect and altogether without reproach whom they left behind to succeed them, handing on to them their own position of presidency. Tertullian Apol. c. 39 : The tried men of our elders preside over us, obtaining that honour not by purchase but by established character. Clem. Strom. VI. 13 : One who lives perfectly is not regarded as righteous because a presbyter, but enrolled in the presbyterate because he is righteous. In the ordination prayer, Deus Sanctificationum, the bishop prays "that they may by inviolable charity grow to be perfect men, and continue to the day of Christ full of the Spirit." Gildas c. 66, in H. & S. I. 75 : None but holy and perfect men and followers of the Apostle can lawfully, and without the offence of sacrilege, undertake the highest ecclesiastical degree.

the highest part upon earth in the priestly work ([47]) of presenting man to God whilst revealing God to man ([48]). For this purpose it is endowed with a spiritual gift obtained from God by the united prayers of the Church, and communicated sacramentally by the laying on of hands, and it is therefore properly called a holy order of priesthood. The diaconate is an estate instituted by the Apostles to relieve presbyters of the care of the temporal concerns of the Church, and is therefore an estate of ministry or service. Yet since the care of temporal concerns involves the preparation of the solemn offering and the conduct of the outward ceremonies of earthly worship, the deacon's service is connected with the altar, and the diaconate is in consequence also called a holy order, but a holy order of ministry. These two holy orders, those of priesthood and ministry, together constitute the clergy ([49]), and so close is the connection between the two that neither a solemn offering can be made by a presbyter without a deacon to prepare and present it, nor by a deacon without a presbyter to hallow it ([50]). Private consecra-

(47). Justin, Trypho, c. 116 : God receives offerings from no one except through His priests. Tertullian, in reply to Marcion IV. 100 : For to Himself He by His Blood associated men, and willed them to be His Body's priests, Himself the Supreme Father's perfect Priest by right. *Id.* adv. Marcion IV. 9 : Christ is the Father's universal priest ; IV. 35 : Christ is the veritable High Priest of God the Father. 1 Clem. c. 36 ; Origen de Prin. II. 7, 4 ; Hieronym. ap. Gratian III. Dist. II. c. 89 ; Leo, A.D. 451, *Ibid.* Caus. I. Qu. I. c. 68 : In the Church of God neither the priesthoods are valid nor the oblations true unless the true High Priest reconciles us in the proper character of His nature. Apost. Const. VIII. 46 : The great High Priest, Christ, the only begotten, being made man for our sake, and offering the spiritual sacrifice to His God and Father before His suffering, gave it us alone in charge to do this. See § 3, note 17.

(48). Iren. Haer. III. 18, 7 : It was incumbent on the Mediator between God and man to bring both to friendship and concord, and to present man to God while he revealed God to man. Tertullian, adv. Marcion II. 27, speaks of the sacrament of man's salvation, God dealing on equal terms with man, that man might be able to deal on equal terms with God.

(49). Suidas 2120 defines the clergy as *τὸ σύστημα τῶν διακόνων καὶ πρεσβυτέρων.*

(50). Clem. Strom. VII. 1 : Of the service bestowed on men the aim of one is edification, the other is ministerial. Apost. Const. III. 10 : The

tions are, therefore, only possible without a deacon when and in so far as they form part of the solemn Eucharist.

10. Of hierarchical orders there are properly three, viz., the episcopate, the presbyterate, the diaconate. Since the twelfth century the Western Church has admitted the subdiaconate also to the rank of a hierarchical order, because it now ranks as a holy order ([51]). Bishops have to do with the external government of the Church, both spiritual and temporal, and the relations of each part of the Church to all the other parts; presbyters and deacons with the internal government of some particular and local part of the Church, presbyters having the charge of its spiritual, deacons of its temporal concerns. Apart from being applied to all Christians collectively in a general sense, the term priest is used in a particular sense to describe one who represents the whole priestly people before God.

deacon is to minister. *Ibid.* VIII. 46: In Acts VI. 4 the Apostles claim prayer and teaching as their part of the sacerdotium, leaving it to the deacons to deal with the people's offerings. Hieronym. in Ezek. XVIII.: The deacon proclaims publicly in church the names of those who offer: A. has given so much, B. has promised so much. Apost. Const. II. 26: Let the deacon minister to the presbyter as Christ does to the Father. Epiph. Haer. 75, c. 5: Without a deacon there cannot be a bishop. Stat. Eccl. Ant. A.D. 505, Can. 37, ap. Gratian I. Dist. XCIII. c. 17: Let the deacons know that they are as much the ministers of the presbyter as of the bishop. Isidor. de Offic. II. 84, following Pseudo-Hieronym, *Ibid.* c. 23: Without the deacon the priest has neither the name, origin, nor [the execution of] the office; the deacon is called God's minister, as it is written, Whether is greater he that ministers or he to whom he ministers? and as the diaconate is included in the priesthood [Isidor.: As consecration rests with the priest], so the dispensing of sacramental gifts rests with the deacon. . . . So much has been given by the Lord to the diaconate that no priest alone may seem to perform and fulfil the whole service in the temple. Can. 16 Elfric, A.D. 957: The priest that remains without a deacon has the name, not the attendance of a priest. Making the solemn oblation is generally spoken of as offerre, προσφέρειν. The deacon's presentation is called ἀναφέρειν. A private consecration is conficere.

(51). Optat. Milev. Lib. II. p. 59: Whereas there are four kinds of heads in the Church—bishops, presbyters, deacons, the faithful—ye would not spare even one. Innocent III. in Decret. Lib. I. Tit. XIV. c. 9: Subdeacons we allow in case of necessity to be chosen bishops, because they wait at the altar.

Before the seventh century it was confined to the bishop, or the presbyter, his deputy, who made the solemn offering (52). Since the decline of solemn services and the establishment of dependent cures of souls in the twelfth century, it has been applied to all presbyters who, as incumbents of parishes, discharge priestly duties in quasi-solemn services (53), and to their deputies, the parish priests, who act for them when they are themselves disqualified to act (54). The extension of the term to presbyters in general belongs to comparatively recent times.

Lower or Non-Hierarchical Orders.

11. Lower (55) or non-hierarchical orders are ranks of Christian men set apart and blessed for some service in the Church, but neither permitted to have any share in its government nor to meddle directly with holy things and the service of the altar. Although of great antiquity, they cannot be said to be of Divine institution, and are only of apostolic origin in so far as they are included in and share the duties of

(52). Cyprian Ep. 54, 5 uses the term God's priest (sacerdos) to describe the bishop. Concil. Agath. A.D. 506, ap. Gratian I. Dist. LXXXVI. c. 25: No bishop may slay any one with his own hand, for this is altogether alien from a priest. Concil. Antioch, A.D. 341, *Ibid.* I. Dist. XCII. c. 5, therefore orders a churchless bishop to retain the dignity of the priesthood. Pseudo-Isidor. Anaclet. 3, 28, A.D. 851: Sacerdotum ordo bipartitus est. The Saxon term preost is used of both bishops, priests, and deacons.

(53). Concil. Aquisgran. A.D. 806, Can. 8: Paul says that presbyters are truly priests. Walafrid Strabo de Reb. Eccl. c. 22: When a priest offers alone, those for whom he offers are co-operators in the same action, whom the priest also represents in certain answers. Hugo de St. Victor ap. Maskell, Mon. Rit. II. 245: Those who in the Old Testament were called priests are now called presbyters, chief priests are now called bishops.

(54). The parish priest, who is first mentioned by Concil. Westminster A.D. 1127, Can. 5, was a presbyter who assisted an incumbent but had no cure of souls himself, by doing all such acts as required order which the incumbent was unable to perform, either for lack of order, as if only a deacon, or from irregularity or otherwise.

(55). Concil. Nic. A.D. 325, Can. 3, calls them "those on the roll" (οἱ ἐν τῷ κανόνι). They are called "lesser clerks" in Const. 1 Reynolds, A.D. 1322.

the diaconate ([56]) or of some other apostolic office ([57]). There are two, if not three different aspects under which non-hierarchical orders may be regarded, viz., (1) as offices for bringing into the service of the Church temporal or spiritual gifts already inherent in their possessors; (2) as probationary steps before advancement to the sacramental gift of order ([58]); and (3) as degrees participating in the sacramental gift of order, but in an inferior measure.

12. As simple offices of hallowed service the number of lower orders is both indefinite and variable. The Roman Church in the third century counted four lower orders, besides the order of subdeacons, viz., acolytes ,or collets, exorcists, readers and door-wardens ([59]). With the exception,

(56). Apost. Const. VIII. 28 says that they are all ministers to the deacon. The Council of Trent, Sess. XXIII. Can. 2, refers them to the beginning of the Church. Devoti Lib. I. Tit. II. § 29; Duchêsne 330.

(57). In the apostolic age there were two kinds of Church officers—(1) officers with universal duties, the Apostles themselves, apostolic men, the 70 disciples, and 120 brethren who had known Christ in the flesh, and travelling apostolic delegates such as Timothy and Titus. These were variously called prophets, teachers and evangelists (Eph. IV. 11); and (2) officers with local duties, who administered and governed local Churches, presbyters or bishops, and deacons. On the dying out of the former class the universal duties of the Apostles and prophets appear to have passed to the chief-presbyters of the local Churches, who were then exclusively called bishops, the teachers' duties to the presbyters, and the evangelists' duties to the deacons. Some of the minor duties of the universal officers were committed to minor local officers, such as the reading and interpretation of prophecy to readers, casting out devils to exorcists. The localising of the bishop's office was the work of the sub-apostolic age.

(58). Apost. Const. VIII. 23: A confessor is not ordained, for he is so by choice and patience; c. 26: An exorcist is not ordained, for it is a trial of voluntary goodness. Const. 5 Peckham, A.D. 1279: That so clerks, while they are advancing to the mysteries of Christ, may sing together the song of degrees, when having found approbation in lower offices they gradually proceed to higher.

(59). Readers are mentioned by Tertullian de Praescrip. 41. Cornelius A.D. 251, in Euseb. VI. 43: [Novatus well knew that in the Roman Church] there were 46 presbyters, 7 deacons, 7 subdeacons, 42 collets and exorcists, readers, and door-wardens in all 52, widows with the afflicted and needy more than 1500. Duchêsne 331.

perhaps, of door-wardens (60), the Church of Carthage had the same number. The Church of Alexandria had a special order of catechists (61), the Gallican an order of psalmists or singers (62). In some Churches confessors ranked as an order (63); in others there was an order of interpreters (64); in others, again, there was an order of labourers or grave-diggers (*κοπιάται* or laborantes) (65); and in most Churches there were orders of virgins and widows (66), and of monks or ascetics (67).

13. As probationary steps for the worthy reception of the presbyterate the Roman Church of the fourth century employed three lower orders, those of subdeacons, collets, and exorcists (68), and required all adults to go through these three before being admitted to the diaconate or presbyterate. Those who entered the clerical life as children had to begin in the fourth order as readers (69). In the East there were, in a strict sense, never more than two recognised lower orders, those of subdeacons and readers (70). Collets were there unknown, as

(60). Cyprian Ep. 16 mentions readers and exorcists; Ep. 23 and 32, 2, readers and subdeacons.

(61). Clem. Hom. Ep. ad Jac. c. 13; Apost. Const. VII. 39; VIII. 32; Euseb. VI. 3.

(62). See note 90, and *Duties of Order*, § 46.

(63). Apost. Const. VIII. 23: A confessor is not ordained.

(64). Epiphan. Expos. Fidei c. 21.

(65). Ignatius ad Antioch. calls them *κοπιῶντες*. Hieronym. de Septem Ordinibus, p. 100, calls them *fossarii*. Some have supposed them to be collets. Devoti Lib. I. Tit. II. § 29.

(66). Widows are mentioned by Cornelius in Euseb. VI. 43; and virgins in Apost. Const. VIII. 24, 25. Other degrees by Pseudo-Ignat. Antioch. c. 12; Epiphanius Expos. Fidei c. 21; Concil. Antioch. A.D. 341, Can. 10.

(67). Concil. Laodic. A.D. 363, Can. 24, enumerates readers, singers, exorcists, door-wardens, ascetics. Basil. Epist. Can. II. ad Amphiloch c. 19.

(68). Duchêsne, p. 336: Martin of Tours commenced the clerical life as exorcist. At the Council of Arles, A.D. 314, of nine inferior clergy who came with their bishops seven were exorcists and two readers.

(69). Duchêsne, p. 334. They continued readers until old enough to exercise the higher degrees. Felix of Nola, Eusebius of Vercelli, the father of Pope Damasus, Popes Liberius and Siricius, all commenced as readers.

(70). Concil. Chalcedon, A.D. 451, Can. 14, only mentions readers and singers.

also in Ireland ([71]). Exorcists were looked upon as persons invested with extraordinary supernatural powers not bestowed by ordination ([72]). In both East and West, before the sixth century, door-wardens were regarded as simple servants of the Church. In the Gallican as in the Eastern Church, collets and exorcists appear originally not to have been regarded as orders, but in the sixth century not only collets and exorcists, but also psalmists or singers, were held to be an order ([73]).

14. From being regarded as probationary steps before admission to the sacramental gift of order, it was an easy transition to become regarded as participating steps in that gift. The transition took place in the Middle Ages, and was favoured by the current notion that ordination was effected by a kind of feudal investiture. The number of lower orders was then limited to four by the Roman Church, viz., those of door-wardens, readers, exorcists and collets, probably because these four, when united with the three hierarchical orders of sub-deacons, deacons and presbyters, make up the mystical number of seven; and it was conceived that at each step one of the sevenfold gifts of the Spirit was imparted ([74]). The Gallican Church, however, admitted five lower orders, viz., those of door-wardens, singers, readers, exorcists and collets, probably because these five, when united with the four hierarchical orders of sub-deacons, deacons, presbyters and bishops, make up the number of nine, and correspond with the nine orders of the celestial hierarchy ([75]). Modern writers sometimes distinguish door-

(71). See note 29.

(72). Apost. Const. VIII. 26: An exorcist is not ordained. Duchêsne 331.

(73). Stat. Eccl. Ant. A.D. 505, ap. Gratian I. Dist. XXIII.

(74). Const. 5 Peckham, A.D. 1279: The clerical army is fortified with seven orders, by every one of which a character is impressed on the soul, and an increase of grace is received. . . . Let such as receive them be publicly instructed in the vulgar tongue concerning the distinction of orders, offices, and characters, and of the increase of grace in every order to such as are found worthy receivers. Lomb. Sent. Lib. IV. Dist. 24; Hugo de St. Victor Lib. II. Pars 3, c. 5; Const. 1 Reynolds, A.D. 1322.

(75). Isidor. Hispal. Etymolog. VII. 12: Generally all are styled clerics who serve in the Church of Christ, whose degrees and names are these—

wardens, readers and exorcists as the three orders of the uncleansed, because it is their function to deal with those without—the door-warden's to teach those without their duties, the reader's to instruct catechumens, the exorcist's to prepare energumens. Collets, subdeacons, and deacons are then distinguished as the three orders of service, and the presbyterate as the order of priesthood.

ORDINATION AND ITS ESSENTIALS.

15. Although certain functions of order are, by virtue of the royal priesthood inherent in the whole body of Christians, allowed to be exercised by any authorised layman, such as reading (76), and others may in cases of necessity be exercised by any one, such as baptizing (77), yet under ordinary circumstances no one is permitted to discharge any of the higher or representative functions of order within the Church without being regularly called and ordained thereto (78). Without

door-warden, singer, reader, exorcist, collet, subdeacon, deacon, presbyter bishop. The order of bishops is fourfold, consisting in patriarchs, archbishops, metropolitans, and bishops.

(76). Cyprian Ep. 18 (Oxf. 24) speaks of one who "discharged the presbyter's functions" (presbyterium subministrabat). Ep. 23 (Oxf. 29) speaks of one "whom we had made next to the clergy in having intrusted to him once and again the reading." Euseb. VI. 19 relates that in 218 A.D. Origen was requested by the bishops [*i.e.*, the episcopal presbyters] of Caesarea to expound the Scriptures publicly in Church, although he had not yet obtained the priesthood by the imposition of hands. Apost. Const. VIII. 32, 15: Let the preacher, even should he be a layman, be skilled in the word. Monks were also allowed to preach until a decision in the year 1580 forbad them unless ordained.

(77). Tertullian de Bapt. c. 17. See *Baptism*, § 12.

(78). Socrates I. 27 relates that in 325 A.D. Ischyras had been guilty of an act deserving many deaths, for although he had never been admitted to holy orders, he had the audacity to assume the title of presbyter, and to exercise the sacred functions. So Petilian says to Augustin ap. Gratian Caus. I. Qu. I. c. 87: If any one learns the priest's chants (carmina) by heart, is he therefore a priest because with sacrilegious lips he publicly uses the priest's chant (carmen publicat). Const. 5 Thorsby, A.D. 1363, enumerates as one of the greater crimes: Where one ministers as a clerk without being ordained.

ordination some acts are in themselves invalid and nullities; others, whatever may be their value to those who use them in faith, are not sacramentally effective, because they do not carry with them the effect promised by Christ's institution to the united prayers of the Church (79). Others again are only so far invalid as to be irregular, and may be validated by a subsequent recognition on the part of the Church. It becomes then of importance to determine (1) what are the essentials for ordination, and (2) what things are necessary to give it validity and regularity.

16. As the term order, when spoken of the spiritual power which is bestowed on the ordained for his office, is used to express three entirely different things, so ordination or the means of conveying that spiritual power is used in three entirely different senses. (1) It is used to express the bestowal of a spiritual gift and the impressing of a sacramental character by the use of the proper matter and form, as when a person is said to be ordained presbyter or deacon. This is called by Gallican writers the benediction of order (80). (2) It is used to express the elevation to a dignity or position of rule over clergy of one who already possesses this spiritual gift, whereby it is hallowed and extended for the general government of the Church, as when one who is already a presbyter or deacon is ordained or advanced to the episcopate. This is usually called consecration (81). (3) It is used to express the authorised employment or recognition by the Church of a spiritual or natural gift, as when one who can exorcise or read is ordained to the

(79). Christ's promise was made to the disciples, not individually, but to the agreement or united prayer of two or three. Math. XVIII. 16, 19, 20; Mark VI. 7; XI. 1; XVI. 12; Cyprian de Unit. Eccl. c. 12; De Orat. Dom. c. 8; Cap. 3 Theodulf, A.D. 994. See *Baptism*, § 27.

(80). Gallican rite ap. Duchêsne 357: Sit nobis communis oratio, ut hic qui in adjutorium et utilitatem vestrae salutis eligitur, presbyteratûs benedictionem divini indulgentia muneris consequatur. Gildas, § 67, in H. & S. I. 76, speaks of those who "for a blessing give a cursing" by ordaining unfit persons.

(81). The term consecration is used in the Roman rite of all the higher orders, and also of the ordination of collets. Lacy's Pontifical, 83.

office of exorcist or reader. This is termed admission to minor orders, and sometimes institution (82).

17. In accordance with this difference of meaning there is a difference of practice as to the matter and form used in ordaining to the different degrees. In some cases a variety of outward signs are employed, and it is not always easy to determine which are essential, which are integral, and which are only accessory; in other cases a single sign only. The signs used as the matter comprise (1) the simple laying on of hands; (2) in some parts of the Church the more solemn form of it, anointing with oil or with chrism; and (3) in others again the remote and feudal form of giving it by the *porrectio instrumentorum*, or delivery of the instruments of office, including such symbolical acts as holding the Gospel-book over the head of the person to be ordained, or delivering it into his hand. The forms used are (1) for the lower degrees the use of words authorising the exercise of the office, together with a benediction; and for the higher degrees in addition (2) a litany, or general supplication of clergy and people that the Spirit may be poured forth on those about to be ordained, summed up and presented to God in the collect or consummation-prayer; and (3) a canon of benediction, combining with the prayers of the local Church the prayers of the Church of other places (83).

18. In regard to non-hierarchical orders, including the subdiaconate, the practice of the early Roman Church was to give admission to them without any solemn ceremony. Doorwardens, readers and exorcists were simply authorised by word of mouth to exercise their office. Even collets and subdeacons had only the symbols of office given to them with a short prayer at any private Eucharist (84), and the ordination took place after the communion (85). The collet's symbol was the linen sack

(82). Lacy's Pont. p. 79: Dicat episcopus instituendo ostiarium.

(83). Lacy's Pont. 85. The canon begins: Vere dignum et justum est aequum et salutare.

(84). Duchêsne 339: By the intercession of the blessed, glorious, and ever Virgin Mary, and the blessed St. Peter, may the Lord save, guard, and protect thee.

(85). Ménard, p. 271; Maskell Mon. Rit. II. 169.

in which the offerings of the people were collected; the subdeacon's, the empty chalice (86). If, as is held by many, the chalice availed for this purpose by reason of its being consecrated, the gift of it into the hand would appear to be a remote way of giving the laying on of hands. In the Greek Church both readers and subdeacons were and are ordained by a direct laying on of hands outside the sanctuary (87), and afterwards have delivered to them the symbols of office (88). Exorcists are not ordained at all, but are required to have the bishop's sanction to use their gift (89).

19. In the Gallican Church the remote mode of giving the laying on of hands by the delivery of the instruments of office from the altar was employed as a kind of feudal investiture for all orders above the singer's (90), and was the only sign used for the lower degrees (91). To the door-warden were given the keys of the Church with an injunction to use the office mindful of the account he would one day have to give (92); to the reader, the book

(86). John the Deacon, A.D. 496, ap. Migne LIX. 605: With us it is the rule that as soon as the most holy chalice has been received he is called subdeacon.

(87). Apost. Const. VIII. 22 names the reader; VIII. 21, the subdeacon; Syn. VII. A.D. 787, ap. Gratian I. Dist. LXIX. c. 1; Perrone Praelect. § 93.

(88). Morinus Exercit. XI. c. 7; Liebermann VI. 858: Among the Latins the instruments are given at the beginning of the rite, and are signs of the power which is being granted; among the Greeks they are given afterwards, and are signs of the power which has been granted.

(89). Apost. Const. VIII. 26: An exorcist is not ordained, for it is a trial of voluntary goodness. But Concil. Laodic. A.D. 363, Can. 26 ap. Gratian I. Dist. LXIX. c. 2 requires exorcists to be authorised by the bishop.

(90). Stat. Eccl. Ant. A.D. 505, Can. 10 ap. Gratian I. Dist. XXIII. c. 20: The psalmist, *i.e.*, the singer, can undertake the office of singing by the simple direction of the presbyter without the order of the bishop, the presbyter saying to him, Take heed that what thou singest with thy lips thou believest in thy heart, and what thou believest in thy heart thou showest forth by works. Concil. Martini, A.D. 572, *Ibid.* I. Dist. XCII. c. 3.

(91). Duchêsne 350.

(92). Stat. Eccl. Ant. A.D. 505, Can. 9 ap. Gratian I. Dist. XXIII. c. 19: When the doorkeeper is ordained, after having been instructed by the archdeacon how to conduct himself in the house of God, let the bishop, at the suggestion of the archdeacon, deliver to him from the altar the keys of

of lessons (93); to the exorcist, the book of exorcisms (94); to the collet, the cruets, the candlestick and a candle (95); to the subdeacon the paten and chalice by the bishop, and a pitcher, a napkin and a towel by the archdeacon (96). The mediaeval Church followed in general the Gallican use (97) in admitting to minor orders; but in the case of subdeacons, after the benediction had been pronounced over all together, the bishop delivered to each one separately a maniple or napkin, and gave to the epistoler-subdeacon only a tunic (98). Similarly in the case of

the Church, saying, So act as one who will render to God an account of the things which are unlocked by these keys. Egbert's Pontifical, A.D. 800, p. 11 (Surtees Society), and Leofric's Missal, p. 211, A.D. 1050, say the same. Lacy's Pontifical, A.D. 1450, p. 79, adds a prayer to that office.

(93). Stat. Eccl. Ant. Can. 8, *Ibid.* c. 18: When a reader is ordained, let the bishop address the people, pointing out his faith and life and qualification. Then in the sight of the people let him deliver to him the book from which he will read, saying, Receive and be a reader of God's word, and if thou faithfully discharge thy office thou shalt have part with them that minister the word of God. Egbert's Pont. p. 22; Leofric Missal, p. 212; Lacy's Pontifical, A.D. 1450, p. 80.

(94). Stat. Eccl. Ant. Can. 7, *Ibid.* c. 17: When an exorcist is ordained let him receive from the bishop's hand the book in which are contained the exorcisms, the bishop saying, Take and commit these exorcisms to memory, and receive power to lay hands on energumens, the baptized, and catechumens. Egbert's Pontif. p. 14; Leofric's Missal, p. 212.

(95). *Ibid.* c. 16: When a collet is ordained let the bishop instruct him in the duties of his office; but let him receive the candlestick and candle from the archdeacon, that he may know that his duty is to light the lights of the Church, and an empty cruet to remind him of wine for the Eucharist of the blood of Christ. Egbert's Pont. p. 13; Leofric Missal, 212; Lacy's Pontifical, p. 82.

(96). Stat. Eccl. Ant. *Ibid.* c. 15: When a subdeacon is ordained, because he does not receive the imposition of hands let him receive an empty paten and an empty chalice from the bishop's hand, and from the archdeacon's hand a pitcher with water, a napkin and a towel. Egbert's Pontif. p. 14; Leofric Missal, p. 213; Lacy's Pontifical, p. 83, says that (1) the bishop hands him an empty chalice and paten to touch, (2) the archdeacon hands him a bowl, a napkin, and water, then after the ordination prayer the bishop (3) hands to each one singly a maniple, and the tunic to the one who is to read the epistle.

(97). Lynd. 309; Perrone Praelect. 93; Craisson, § 1709.

(98). Lacy, p. 83.

collets, after handing to each one, as in the Gallican rite, the empty cruet, the candle and candlestick, he invited the people to prayer, and then in three short collects gave a thrice-repeated simultaneous blessing to all (99).

20. In bestowing the three higher orders the practice of the early Roman Church was equally simple; but because of their hierarchical character the ordination always took place with the greatest publicity at a solemn station (100) with the participation of all the clergy and people. The Litany having been first said, before the Gospel was read the bishop laid both his hands on the head of each of the candidates for the diaconate successively, and pronounced over them collectively a collect (oratio) summing up the people's prayers on their behalf, and afterwards a canon of benediction (consecratio) (101). The solemnity was the same at the ordination of a presbyter or a bishop, but different collects and canons of benediction were used (102). At the consecration of a bishop the Bishop of Rome acted as the sole consecrator, and the like prerogative was probably enjoyed by the Bishop of Alexandria (103). In the case of the

(99). Lacy, p. 82.

(100). Acts XIII. 2: Whilst they were celebrating the Eucharist (λειτουργούντων αὐτῶν) . . . they laid their hands on them and sent them away. Apost. Const. VIII.; Duchêsne 340. The missa pro ordinatione presbyteri sive diaconi in Leofric's Missal, p. 214; Hieronym. ap. Gratian Caus. VIII. Qu. I. c. 15, quoted below, note 144. Benedict XIV. Op. IX. p. 248: The ordinands are ranged around the altar kneeling, and the bishop, as though he would teach them, slowly and deliberately pronounces the canon in a raised voice, not so that the people can hear but that the newly instituted priests can say it with him, and pronounce the words of consecration at one and the same time with the bishop.

(101). Duchêsne 342.

(102). *Ibid.* 344, 346. In Euseb. VI. 43, Cornelius, A.D. 251, says that Novatus, by the favour of the bishop laying his hands upon him, had been ordained to the order of presbyters.

(103). Breviarium Ferrandi, c. 6, in sixth century: Let not a single bishop ordain a bishop excepting the Roman Church. The Canon is from the Roman Council of 386 A.D., the words of exception being added by Ferrandus in view of the custom of the Roman Church. Duchêsne, p. 364. Concil. Nic. A.D. 325, Can. 6, preserves to the Bishop of Alexandria his privileges.

Pope himself, however, the consecration did not take place before the Gospel, but before the initial hymn ([104]). Three bishops, those of Ostia, Porto, and Albano, first said together the collect after the litany, whilst they held their hands upon the Pope-elect's head ([105]). Then the Bishop of Ostia alone recited the canon of benediction, whilst two deacons held the open Gospel above his neck. The Eastern Church, like the early Roman, ordained both bishops, presbyters and deacons by the laying on of hands ([106]) and making over them the sign of the cross ([107]), accompanied by the recitation first of a collect and then, after a litany, of a benediction.

21. In the Gallican Church the ritual for conferring hierarchical orders was far more elaborate. It included (1) the litany, the laying on of hands by the bishop and presbyters on deacons, as well as on presbyters ([108]), and the bishop's recital

(104). Innocent III. in Decret. Lib. I. Tit. VI. c. 28, A.D. 1202, says all ordinations take place between the epistle and gospel, except that of the Roman pontiff, who is consecrated before the *Gloria in Excelsis* or initial hymn. See below, § 32.

(105). Duchêsne 349.

(106). Euseb. VI. 19 relates that Origen had not yet obtained the presbyterate by the laying on of hands. Apost. Const. VIII. 16: When thou ordainest a presbyter, O bishop, lay thy hand upon his head in the presence of the presbyters. The Euchologion says: The high priest having his hand laid upon the candidate's head, says, The Divine grace . . . promotes the most pious deacon to the office of presbyter, wherefore let us pray for him. . . . Then after Lord have mercy, &c., follows [*the Collect*]. After the prayer the chief presbyter utters the following prayers usually said by the deacon. . . . [*A short litany.*] . . . And the high priest holding his hand still imposed upon him prays as follows, again to himself. . . . [*Here follows the benediction.*] . . . He then passes the stole round his [the ordinand's] neck, and vests him in a chasuble. Apost. Const. VIII. 4, 17; Liebermann VI. 861; Craisson, § 3967, discusses the question whether a Latin presbyter can be validly ordained by the Greek rite.

(107). Chrysost. Hom. 55 in Math.: The sign of the cross is made when we are appointed for ordination. Augustin. Serm. de Sanctis: Presbyters and Levites are promoted to sacred orders by the sign of the cross. Dionys. de Eccl. Hier. 5, 2, A.D. 500. Upon each of them the cruciform seal of the ordaining hierarch is impressed.

(108). Gelasian Sacramentary 144; Maskell's Mon. Rit. II. 205.

of the collect (consummatio) and benediction-canon (benedictio) —all probably derived from the Roman Church; (2) the bishop's recital of the dedication-collect (consecratio) ([109]), and the anointing the hands of the deacon, and the hands and head of the presbyter and bishop ([110]), with a mixture of oil and chrism and the sign of the cross—which appears to represent the ancient Gallican mode of giving the solemn laying on of hands ([111]). To these were added after the seventh century (3) the delivery of the symbols of office ([112]). To the deacon were given the alb and stole ([113]), to the presbyter the stole and

(109). *Ibid.* 26 (622); Missale Francorum, Lacy's Pontifical, p. 89.

(110). Haddan and Stubbs, I. 141, suppose that this practice was derived by the Saxons from the old British Church. Gildas, c. 106, A.D. 570, in H. & S. I. p. 102, speaks of the benediction wherein the hands of priests (sacerdotes) and deacons are initiated [by anointing]. Leo Serm. VIII. de Pass. Domini; Gregory in Reg. X. and Cap. 1 Theodulf, A.D. 787, mention it. Egbert's Pontifical, p. 35, A.D. 1000, directs the hands and head of the presbyter to be anointed with chrism, and the hands only of the deacon. So also Leofric Missal, p. 213; yet Nicolas, A.D. 864, ap. Gratian I. Dist. XXIII. c. 12, says that anointing was not then used at Rome. Innocent III. in Decret. Lib. I. Tit. XV. nevertheless requires it to be given, but says that it was not the use in Spain then, nor is it mentioned by Isidor. de Offic. IV. 5, in his description of the ceremonial of ordination. Duchêsne 335, 361, states that the unction of the hands only is mentioned in the ancient Merovingian rite. The unction of the head also was the practice in the time of Louis the Pious. See Amalarius de Eccl. Offic. II. 14; Maskell Mon. Rit. II. 223.

(111). Concil. Tolet. VII. A.D. 653, Can. 7: Sacred chrism when once bestowed and the honour of the altar cannot be taken away. Stat. Eccl. Ant. A.D. 505, ap. Gratian I. Dist. XXIII. c. 7, mentions only pouring the benediction, because ordination was given by pouring oil and chrism.

(112). Concil. Tolet. IV. A.D. 633, ap. Gratian Caus. XI. Qu. III. c. 65, quoted note 113. Egbert's Pontifical 32; Leofric Missal 215; Lingard's Anglo-Saxon Church II. 26.

(113). Concil. Tolet. IV. A.D. 611, ap. Gratian Caus. XI. Qu. III. c. 65: A bishop, priest, or deacon unjustly deposed from his degree, if he should be found innocent in a second synod, cannot be the same as he was before, unless he receive back his lost degree from the hand of the bishop before the altar; if he was a bishop the stole, ring and staff; if a priest, the stole and chasuble; if a deacon, the stole and alb; if a subdeacon, the paten and chalice. Concil. Brac. A.D. 563, Can. 9, forbids a deacon to wear the stole

planet ([114]), to the bishop the ring and staff ([115]). The open Gospel was, in addition, held by two bishops above the neck of a bishop at his consecration ([116]), as in the Eastern rite, and as is still the use in the consecration of the Bishop of Rome.

22. The Western Church in the Middle Ages followed the same composite ritual, but added thereto the formal delivery of the instruments of office which, in accordance with the feudal spirit of the times, soon came to be regarded as the essential matter. In ordaining to the diaconate the book of the Gospels was delivered to the candidate. This appears to have been originally a British custom, adopted in France, and introduced at Rome about the year 1000 A.D. ([117]). In ordaining to the presbyterate a third laying on of hands was introduced in the thirteenth century after the communion, accompanied by words authorising the new presbyter to act as an ordinary penitentiary ([118]). In ordaining to the episcopate the custom of delivering the book of the Gospels to the bishop-elect at the end of the service was added to or substituted for that of holding it over his head at the beginning ([119]), and in some rites as early as the thirteenth century, but in the Roman not until the fifteenth, the words, "Receive the Holy Ghost," were addressed to the

hidden under the tunic, so as not to differ from a subdeacon, but to wear it across the shoulder. Concil. Tolet. IV. A.D. 633, Can. 40: The deacon ought to wear one stole only over his left shoulder, and have his right side free, that he may be able to wait upon the sacerdotal ministry.

(114). Concil. Tolet. IV. l. c.

(115). *Id. Ibid.* Isidor. de Orig. Offic. II. 5, 12: The staff is given to show that he rules, corrects and restrains the infirmities of the people committed to his care. Innocent III. in Decret. Lib. I. Tit. XV. says that the Roman bishop has no staff.

(116). Stat. Eccl. Ant. Can. 2, ap. Gratian I. Dist. XXIII. c. 7: When a bishop is ordained let two bishops place the book of the Gospel on his head, and hold it over his head, whilst a third pours the benediction [the oil and chrism] over him, and let all the other bishops who are present lay their hands on him. Egbert's Pont. 32; Leofric Missal 215; Duchêsne 361. According to Apost. Const. VIII. 4, the practice in the East was similar.

(117). Maskell Mon. Rit. II. 233, followed by Warren, Celtic Church.

(118). Maskell Mon. Rit. II. 233.

(119). Liebermann l. c. Lacy's Pontifical.

bishop-elect by each of the assisting bishops at the initial laying on of hands (120).

23. The manner of consecrating a bishop in this country, as prescribed for the diocese of Exeter in the fifteenth century, was as follows: Before the Eucharistic service began, the elect was interrogated and made his profession. The consecrator then invited the people to prayer, and the litany was said. At its close the consecrator laid both his hands upon the head of the elect, saying, "Receive the Holy Ghost." All the other bishops present did the same. Then the hymn, "Come, Holy Ghost" (121) was sung, after which the consecrator, holding his hands closed before his breast, and not extended as in the Roman rite, pronounced over the elect the collect and canon of benediction. The new bishop's head was then anointed with a mixture of oil and chrism, or with chrism only if the Roman use was observed, whilst the prayer of unction was said (122). The dedication-collect followed, after which the new bishop's hand and thumb were anointed, or, as it was said, were confirmed. The pastoral staff, the ring, and the mitre, were successively blessed and presented to him, and finally the book of the Gospels (123).

24. At the ordination of a presbyter the litany was first said; then the bishop laid his right hand alone upon each

(120). Gregory XII. is said to have first used these words in consecrating Archbishop Chichele in 1408 at Siena. See Hutton's Anglican Ministry, 324; Lacy's Pontifical, A.D. 1450, p. 95.

(121). Maskell Mon. Rit. II. 223 says that it was introduced late in the eleventh century, and is first met with in a Pontifical of Soissons.

(122). Innocent III. in Decret. Lib. I. Tit. XV. says that the head is anointed because of authority, and the hands because of office and ministry. Gregory IX. *Ibid.* Tit. XVI. c. 3. The prayer of anointing for a bishop began: May these hands be anointed [for a presbyter the word *consecrated* was used] with holy oil and the chrism of sanctification, as Samuel anointed David to king and prophet, &c.

(123). Lacy's Pont., p. 99, states that it was the Roman custom, from the time of Pope Melchiades, for the newly consecrated bishop to offer two large loaves, two amphorae of wine, and two wax candles, but that "the English Church does not observe the oblations."

of the candidates' heads in turn ([124]), the assisting presbyters meanwhile holding their hands extended over the heads of all ([125]); or, if following the Roman custom, he laid both his hands in silence upon the heads of each of the candidates in turn, the presbyters following him and doing the same. This was called the first laying on of hands. Next the bishop invited the people to join in prayer with the rest of the Church on behalf of those about to be ordained, and, returning to his seat, held his hands extended over all the candidates, the presbyters about him continuing to do the same, whilst he alone recited the collect and benediction-canon once and for all ([126]). This was called the second laying on of hands, but was really a continuation of the first. The stole was then passed round the neck of each of the ordinands ([127]), and they were vested in chasubles. The dedication-collect followed ([128]). Then the hymn, "Come, Holy Ghost," was sung, and the hands of the ordinands were severally anointed with a mixture of oil and chrism with the sign of the cross ([129]), whilst the prayer of anointing was being said. In the older English rite the head also was anointed, and the chasuble was not

(124). Lacy's Pont., p. 87: In the Roman rite the bishop lays both his hands upon the head of each.

(125). Lacy's Pont., p. 87: All his attendants, who are presbyters, hold their hands above the heads of those to be ordained.

(126). Stat. Eccl. Ant. Can. 3, ap. Gratian I. Dist. XXIII. c. 8: When a presbyter is ordained, whilst the bishop blesses him and holds his hand on his head, let all the other presbyters who are present lay their hands on his head beside the hand of the bishop. Duchêsne 357.

(127). Leofric's Missal 215 gives the benedictio ad stolas vel planetas, but makes no mention of the stole (orarium). Lacy's Pontifical, p. 89.

(128). Lacy's Pontifical calls it consecratio, and has the Roman prayer: Deus sanctificationum omnium auctor.

(129). The prayer at the anointing of the hands in Egbert's Pontifical, p. 24; Leofric Missal 215; and Lacy's Pontifical, p. 90: May these hands be consecrated and hallowed by this anointing and our benediction, that whatsoever they shall bless may be blessed, and whatsoever they shall hallow may be hallowed. According to Lacy's Pontifical the anointing was made with holy oil mixed with chrism. Devoti Lib. I. Tit. IV. § 5 says that the present Roman practice is to anoint the presbyter's hands with the catechumens' oil. Lingard, Anglo-Saxon Church II. 23.

put on until this anointing was completed (130). Afterwards, the bishop, closing the hands of each new presbyter, delivered to him a chalice containing water and wine, and a paten containing bread, and instructed him to offer for the living and the dead (131). At the communion which followed, the newly ordained were communicated before all others, and immediately after the communion the bishop alone, laying his right hand for the third time upon the head of each one, said to him separately: "Receive the Holy Ghost. Whose sins thou dost remit they are remitted, and whose sins thou dost retain they are retained. Brother, pray for me" (132).

25. In ordinations to the diaconate a collect and canon of benediction were used, as in ordaining to the episcopate and presbyterate, but the litany was not invariably said (133), and the bishop gave to each one a stole and the book of the Gospels (134). The dedication-collect followed, but there was no anointing, either with oil or chrism, as had in former days been the English use. Only a dalmatic was given to the Gospel-deacon (135).

26. Considerable difference of opinion prevails as to which

(130). Maskell Mon. Rit. II. 221 and 223.

(131). Innocent III. in Decret. Lib. I. Tit. VI. § 28.

(132). Liebermann VI. 860; Lacy's Pontifical, p. 91. This third imposition of hands is absent in the Winchester and all earlier Pontificals. In the modern Greek Church the power to act as a confessor is bestowed at a separate occasional office (ἀκολουθία), called an office "for appointing a spiritual person."

(133). Lacy's Pontifical, p. 84: It is the practice of some prelates to call at once those to be ordained deacons and presbyters, and when they have been introduced the bishop prostrates himself before the altar, whilst the litany is said by the choir. But some say the litany only in the ordination of presbyters. Maskell Mon. Rit. II. 202.

(134). Liebermann VI. 859; Lacy's Pont., p. 86; Maskell Mon. Rit. II. 210 states that this practice dates from the eleventh century in the Roman Church. It was originally an English custom, and is not found in any non-English Pontifical before the tenth century.

(135). Maskell Mon. Rit. II. 212 states that the practice of giving the tunic to the subdeacon and the dalmatic to the deacon was adopted first in the case of monks in the twelfth century, and in the English Church in the thirteenth.

of these outward acts constitutes the essential matter in ordination, but the point is only of importance in regard to holy orders. (1) It was held by the older Schoolmen, at a time when great importance was attached to feudal investiture, that the delivery of the instruments of office was the only essential matter, as being the operative mode of giving the imposition of hands (136). (2) More recently this view has been denied, and it is contended that the laying on of hands cannot be given remotely by the delivery of the instruments of office (137). (3) Some, nevertheless, maintain that wherever the custom prevails, the delivery of the instruments of office is so necessary to complete the imposition of hands that without it the validity of the whole act is doubtful (138).

27. In support of the first view it is urged that since Christ Himself ordained the Apostles by inbreathing (139), whereas the Apostles ordained others by the laying on of hands (140), it is clear that the matter in ordination must have been left undetermined by Christ, that as a matter of fact it has varied from time to time, and that, at least in the Western Church, the use of the last thousand years has constituted the delivery

(136). Eugenii Decretum, A.D. 1439, ap. Harduin IX. 440, and Devoti Lib. II. Tit. II. § 98 : The matter of order is that by the delivery of which order is conferred, as the presbyterate by the delivery of the cup with wine, and the paten with bread. Lynd. 309 : Neither the benediction, the imposition of hands, nor other matter, all of which are preparatory, constitute ordination, but the character is impressed by the delivery of the ministerial symbols. Some modern Jesuits still hold that the benediction, laying on of hands and anointing are the preparation, the delivery of the instruments of office being the bestowal of the power of order.

(137). Perrone Praelect. § 95 ; Craisson, § 1709 ; Le Brun III. 264 ; Gasparri Tract. de Ordinat. n. 1079 : We conceive the matter of the whole sacerdotal ordination to be the imposition of the bishop's hands, either the first or the second one, which is a continuation of the first.

(138). Hutton's Anglican Ministry, 245. On the contrary, see Duchêsne in *Guardian*, Aug. 22, 1894, p. 1296.

(139). John XX. 23. Iren. Frag. 21 : He does not give as Christ gave by inbreathing, because he is not the source of the Spirit.

(140). Acts VI. 6 ; XIII. 3 ; 1 Tim. IV. 14 ; 2 Tim. I. 6.

of the instruments of office the received mode of giving the laying on of hands (141). In support of the second view an appeal is made to antiquity (142), and the continuous practice of the Eastern Church (143). It is shown (1) that the delivery of ring and staff to the bishop, and of the Gospel-book to the deacon, are mediaeval usages, confined exclusively to the West; (2) that the delivery of the paten with bread and the chalice with wine to the presbyter to consecrate are parts of the ceremonial of every solemn Eucharist, and presuppose that those to whom the delivery is made are already ordained; and (3) that vesting the presbyter in planet and stole, the deacon is alb and stole, and holding the book of the Gospels above the bishop's head, cannot constitute ordination, since

(141). F. Haller ap. Morinus Pars. II.: Of order, penance and matrimony Christ instituted the matter generally, leaving to the Church to determine it particularly.

(142). Morinus de Sacr. Ord. III. Exer. I. c. 1, Menardus and Martene have conclusively shown that the delivery of instruments was unknown before the 9th century. The order for restoring one degraded in Maskell Mon. Rit. II. 335 runs: You shall not reordain one deposed, but you shall restore him to his degree by giving him the instruments and vestments pertaining to his degree.

(143). Clem. Hom. III. 72: Peter placed his hand upon Zacchaeus, saying. Cornelius ad Cyprian, A.D. 251, Ep. 45, 1: They suffered hands to be imposed upon him as if upon a bishop. Concil. Antioch, A.D. 341, Can. 17, ap. Gratian I. Dist. XCII. c. 7: A bishop is ordained by the imposition of hands. Chrysost. Hom. XIV. 3 in Acts VI. 6: This is the laying on of hands (χειροτονία): the hand of the man is laid upon the other, but all the working is of God, and His hand it is which touches the head of him who is ordained, if he be ordained aright. Basil Ep. 188, quoted note 20. Hieronym. in Isai. LVIII. 10: The ordination of clergy is completed (impletur), not only at the praying of the voice (ad imprecationem vocis), but also at the laying on of hands. Isidor de Orig. Offic. II. 5, 9; Baeda de Remed. I. 281: Let the priest provide his furniture before the hand of the bishop touches his head. Gregory ap. Gratian Caus. I. Qu. II. c. 4, and Decret. Lib. V. Tit. III. c. 1 speaks of the bishop selling the hand which ordains (quam imponit). Decret. Lib. I. Tit. XVI. c. 3: The priest and the deacon when they are ordained receive the imposition of hands by corporal touch, by a rite introduced by the Apostles. Morinus III. 7, c. 1: Gousset Théologie Dogmatique II. 425; Liguori VI. 749; Liebermann Inst. Theol. VI. 856.

these acts were formerly performed by a deacon (144), but are merely an assignment to the ordained of his position in the Church (145). If then to bestow the sacramental gift the laying on of hands either directly or indirectly is held to be the essential matter, it is generally allowed that the second laying on of hands at which the benediction is given (146), (which is morally a continuation of the first laying on of hands), or in the Gallican rite the anointing with oil and chrism in the form of a cross, which in that rite is the most solemn form of giving the laying on of hands (147), is the effectual matter. The third laying on of hands is a comparatively recent addition, its object being not to ordain, but to give to one already ordained authority to act as a penitentiary.

28. The essential form in ordination is also a matter of dispute. It was held by the older Schoolmen to consist in the words which accompanied the delivery of the instruments of office; by others in the words, Receive the Holy Ghost, addressed to the bishop at the first imposition of hands, and to the presbyter at the third; by others in both forms of words; by others again in the prayer, *Deus honorum omnium* (148). By the words accompanying the delivery of the paten and chalice

(144). Roman Ordinal of ninth century ap. Duchêsne 460: Then the archdeacon vests the presbyters in planet and stole, and conducts them before the Pontiff. Aquinas observes that the sacerdotal vestments signify fitness, not power.

(145). Concil. Tolet. IV. A.D. 633, quoted note 113, and see note 142.

(146). Pseudo-Ambros. de Dignit. Sacer. I. c. 5, ap. Migne XVII. 577: Man lays on the hand, God gives the grace. The bishop (sacerdos) imposes the right hand in supplication, and God gives the blessing with His own powerful right hand. The bishop (episcopus) initiates order [*i.e.*, the position in the Church], and God gives the dignity [*i.e.*, the spiritual gift].

(147). Theol. Tolos. de Ordine ap. Craisson, § 2733; Steph. Eduensis de Sacram. Altar. c. 9: The hands of the priest, which are signed with holy oil in the form of a cross, are confirmed by the hands of Christ; and that is a singular and health-giving miracle which they perform between the hands of Christ, who says, Without Me ye can do nothing. See note 110.

(148). The month November 1894, p. 385.

the presbyter, it is said, receives power over Christ's true Body and authority to consecrate the Eucharist (149); by the words accompanying the third imposition of hands he receives power over Christ's mystical Body, and authority to retain and remit sins (150). Allowing that these words convey authority or a commission from the Church, this authority or commission depends, nevertheless, in each case for its efficiency upon the gift of the Spirit obtained from above by the prayers which immediately precede them (151). Hence it appears that the

(149). Eugenii Decretum, A.D. 1439, ap. Labbé XVIII. 550: The form of the priesthood is such as: Receive power to offer the sacrifice in Church for the living and the dead, in the name of the Father, &c.

(150). Hilary, A.D. 375, Quaest. in Vet. et Nov. Test. XCIII.: When the Lord is said to have breathed on His disciples after His resurrection, and to have said, Receive the Holy Ghost, ecclesiastical power is understood to have been conveyed to them [*i.e.*, the power of acting for the Church, to which the forgiving or retaining of sin belongs]. He adds, Whose sins, &c.

(151). In 1 Tim. IV. 14 this prayer is called προφητεία. Apost. Const. VIII. 46: Those that are by us named bishops and presbyters and deacons were made by prayer and the laying on of hands. Theodoret in 1 Tim. v. 22: We ought first to examine the life of the man, and so to invoke upon him the grace of the Spirit. See *The Sacraments*, §§ 9. 13; Concil. Hispal. II. A.D. 619, ap. Gratian I. Dist. XXIII. c. 13, declared an ordination invalid in which "the bishop had laid his hand on the candidates' heads, and a presbyter, contrary to ecclesiastical order, had given the benediction." Concil. Aurel. V. A.D. 549, Can. 4: If any clerk, after receiving the benediction of his place or order, &c. Ordo Sti. Amandi ap. Duchêsne p. 460: Et accipiunt orationem presbyterii a pontifice. Isidore de Offic. II. 27, 3: We can receive the Holy Spirit, but we cannot give it. We only invoke the Lord that it may be given. *Id.* Sent. III. 7, 3: When any one prays he calls to himself the Spirit. In the Greek form for the ordination of a deacon, ap. Morin. de Sacr. Ord. pt. II. p. 69, the bishop prays: Not through the laying on of my hands, but by the visitation (ἐν ἐπισκοπῇ) of Thy rich mercies is grace given. Duchêsne, p. 345, says that the whole rite of ordination of presbyters and deacons consisted, according to the early Roman use, in prayer. Theodoret of Cyrus Relig. Hist. XIX. relates how a bishop "surreptitiously laid hands" on some one, "and performed the prayer, and then made plain to him the grace which had come upon him." Benedict XIV. de Syn. Dios. VIII. 40; Liebermann VI. 861; Gasparri de Ord. VI. 1079: We hold that the form in ordination is "the preface" [*i.e.*, the canon of consecration beginning, It is very meet, right, &c.], as in the ancient Roman rite.

collect which sums up the prayers of the people present on behalf of the ordinand, and the benediction which unites to these prayers the prayers of the Church of other places (which is the old Roman use), or the dedication-collect which is the Gallican equivalent (152), constitute the essential form of which all the other prayers and declarations are only extensions (153). The collect and benediction appear also to be the essential form in ordination to the episcopate, and not the words, Receive the Holy Ghost, since the latter words are of late introduction, and only serve to define by anticipation the object for which the collect and benediction are about to be offered (154). It has, however, been held that the words, Receive the Holy Ghost, will alone suffice for the ordination of a presbyter, provided they have been used immemorially by consent of the Church for that purpose, and with the intention of bestowing the sacramental character of the presbyterate (155).

(152). That the dedication-collect, which followed the anointing, was regarded as the essential form in the Exeter Pontifical would seem to be implied by its being preceded by the hymn, "Come, Holy Ghost," and its being technically called *Consecratio.*

(153). Hutton l. c.

(154). Liebermann VI. 859. See above, note 20.

(155). Decree of Holy Office, 9th April 1704, in the case of the Abyssinians, quoted in Estcourt's Anglican Ordination, p. 191. In the year 1733, Joseph Assemann, in Mai's Scriptorum Veterum Nova Collectio, vol. V., quoted in *Guardian*, 28th Feb. 1894, made the following report, by request, to the Sacred College: With regard to the Episcopate there are three opinions—(1) The first regards as the *matter* the imposition of hands upon the head of the person to be consecrated, the placing of the Gospels upon his head, the anointing, and the presentation of the pastoral staff and ring; and as the *form*, the words which are said by the consecrator in the act of placing his hands and the Gospel upon the head of the person to be consecrated, and in the act of anointing, and of handing the staff and ring. This is the view of Isambert and Durand. (2) The second view makes the *matter* to consist in the imposition of hands, and in placing of the Gospels upon the head of the person being consecrated, and the *form* to be simply the words, "Receive the Holy Ghost." This was the view of Antonine, Ostian, and Turriano. (3) The third places the *matter* simply in the imposition of hands, and

Valid and Regular Ordination.

29. Besides the essentials of ordination three things are necessary to make it valid and regular: (1) It must be given by persons properly qualified to give it; (2) it must be given in a regular manner; (3) it must be given to those who are fit subjects to receive it. Ordination is called invalid when it conveys no spiritual gift or power of order (156), irregular when it is valid in itself but conveys no position in the Church. The irregular recipient is capable of performing every function of order, but the exercise of the spiritual gift is either impeded through some fault of his own, or forbidden by the Church (157).

the *form* in the prayer said by the consecrator. This is the view of Morin and Juenin. As to the ordination of presbyters there are four views—(1) The first regards the imposition of hands of the bishop on the person to be ordained to be alone the *matter*, and the prayer recited by the bishop to be the *form*—Morin and Juenin. (2) The second view conjoins for the *matter* of the sacrament the anointing of the presbyter with the imposition of hands, and for the *form*, besides the other prayers, the prayers which are then said—Cardinal Hosius. (3) The third regards the imposition of hands, together with the tradition of the chalice with wine and water and of the paten with bread, as the *matter*, and the words, "Take thou authority to offer the sacrifice to God," to be the *form*—Maldonatus and others. (4) The fourth is the ordinary view of the moderns, and regards the tradition of the chalice with wine and water, and the paten with bread, to be alone the *matter*, and the words, "Take thou authority," &c., to be the *form*.

(156). Concil. Hispal. II. Can. 4 ap. Gratian I Dist. XXIII. c. 13, speaks of an invalid ordination as one in which non consecrationis titulum, sed ignominiae potius elogium acceperunt.

(157). Concil. Nic. A.D. 325, Can 16: ἄκυρος ἔστω ἡ χειροτονία. Can. 9: Such as these the canon does not admit. Can. 6: Such an one the synod has determined shall not be a bishop. Concil. Antioch, A.D. 341, Can. 22; Concil. Arelat. I. A.D. 314, Can. 13; Concil. Sardic. Can. 15; Concil. Chalcedon A.D. 451, Can. 6. In all these cases the ordination must have been held valid, because Concil. Turon. A.D. 460, Can. 10, says: We reduce them to nullity (in irritum devocamus), unless they are adjusted by satisfaction which pertains to peace. Concil. Hispal. II. A.D. 619, Can. 4, orders such an ordination to be annulled (in irritum devocari). Concil. Ilerd. A.D. 523, Can. 12: In cases in which men have hitherto been

30. It is a rule of the Church, derived from its fundamental note of unity, that nowhere can there exist the right and power to ordain apart from the representative head and the ruling authorities (158). The bishop is, therefore, the ordinary minister of order (159). Some difference of opinion, however, exists as to who may be the extraordinary minister when no bishop can be had. Most of the ancient canonists and theologians maintain that, since the episcopate and presbyterate constitute one and the same order, all degrees of order, excepting the episcopate (160), may be conferred by presbyters equally with a bishop, provided they have received for that purpose a commission from the Church (161), and that the presbyters col-

ordained against the canons, it may be looked over . . . but those who in future shall be so ordained shall be deprived. Concil. Regin. A.D. 439, Can. 2: We decree that the ordination be evacuated which the canons declare to be a nullity. Devoti Lib. II. Tit. II. § 100; Gregory VII. ap. Gratian Caus. I. Qu. l. c. 113, calls some ordinations "falsas." Urban II. A.D. 1095, *Ibid.* Caus. XII. Qu. II. c. 37: Irritas judicamus.

(158). Ignat. Trull, c. 3: Apart from bishops, presbyters, and deacons it cannot be called the Church. Hieronym. adv. Lucifer. c. 8: That is not the Church which has no priests (sacerdotes bishops). Amalarius de Eccl. Offic. III. 2: The Church is the people assembled with their ministers.

(159). Ignat. Smyrn. c. 9; Cyprian Ep. 4; Apost. Const. VIII. 28: A bishop lays on hands, ordains, offers. . . . A presbyter lays on hands, but does not ordain; VIII. 40.

(160). Heb. VII. 8: The less is blessed by the greater.

(161). Morinus de Sacr. Ord. III. Exer. IV. c. 3 and 4; Liebermann VI. 865; Firmilian ad Cyprianum Ep. 74 (Oxf. 75), 7: All power and grace are established in the Church where the presbyters preside, who possess the power both of baptizing and of imposition of hands, and of ordaining. Lynd 309 quotes with approval a canonist saying: In the primitive Church [as described by Hieronym. ap. Gratian I. Dist. XCIII. c. 24] there was no difference between a presbyter and a bishop; but because presbyters ordained indiscriminately, Peter and the other Apostles put under restraint their power of order (potestatem characteris), so that they could not bestow the sacraments which are now reserved to bishops, and they created in consequence certain persons having this power whom they called bishops. When, therefore, a bishop is consecrated that restriction of order is relaxed, and is extended to the previously forbidden sacraments. Hieronym. Epist. 146 says that at Alexandria, from the time of St. Mark to that of Dionysius [A.D. 260], the presbyters always placed one chosen from themselves on the

lectively of any Church which has no bishop may therefore validly confer all orders. Others contend that a presbyter's power is limited to giving non-hierarchical orders (162), including the subdiaconate (163); others again that it does not go beyond the power of ordaining or appointing a singer (164) and giving

higher platform, and called him bishop [unum ex se electum in excelsiori gradu collocatum episcopum nominabant]. If this was ordination, it was the peculiar prerogative of one of the three great patriarchal Churches, and is no precedent for a lesser Church where that custom has never prevailed. Estcourt's Anglican Ordinations, p. 121; Weizsaecker, p. 638, surmises that in early times there were two classes of presbyters, (1) ordinary presbyters and (2) episcopal presbyters, but that after the Novatian schism episcopal presbyters were everywhere reduced to one. The only Church in which a plurality of them is still found is the Church of Rome. See Thom. Aquin. IV. Sent. 7, Qu. 3, art. 1; Durand 4, Dist. 7, Qu. 4, § 4, 21; Craisson, § 1731; Lightfoot Apost. Fathers II. 120; Hooker, vol. III. pt. I, p. 286, says: There may sometimes be very just and sufficient reason to allow ordination without a bishop; but Concil. Hispal. II. A.D. 619, Can. 5, ap. Gratian I. Dist. XXIII. c. 13, declared an ordination invalid in which the bishop had laid his hand on the head of the candidates and a presbyter had pronounced the benediction canon, and ordered those who had received it to be removed from the ranks (a gradu abjici) of presbyters and deacons.

(162). Innocent III. in Decret. Lib. I. Tit. XIV. c. 11, permits an abbot of regulars in priest's orders, who has received the benediction, to bestow minor orders. Craisson, § 1722, 1991; Gratian I. Dist. LXIX.

(163). The opinion is held by many authorities that such ordination may suffice for the subdiaconate, but doubts are entertained as to its sufficing for the diaconate. Craisson, § 1723; Perrone Praelect. de Ord. § 103 and 104, who, however, appears to forget that any priest who appoints another to act as server constitutes him a deacon in office, *pro hac vice*. Cavagnis II. 106 considers that a priest can ordain a deacon if properly authorised so to do. Novatus, the African presbyter, appointed (constituit, which some render "procured to be ordained") Felicissimus a deacon, and Cyprian Ep. 48 (Oxf. 52) does not pronounce it invalid. According to Cassian Collat. 4, 1 ap. Migne Patrol. XLIX. 585, Paphnutius, a presbyter, appointed Daniel, a monk, both deacon and presbyter. Anskar Vit. S. Willehad, c. 5, ap. Pertz. M. H. G. Script. II. 381: The servant of God, Willehad, began to build Churches, and to set over them presbyters (presbyteros super eas ordinare). Hutton, p. 187.

(164). Statuta Eccl. Ant. A.D. 505, Can. 10 ap. Gratian I. Dist. XXIII. c. 20: A psalmist, *i.e.*, a singer, can undertake the office of singing without

the tonsure. However this may be, one thing seems clear, that since presbyters do not now receive authority, either collectively or individually, to ordain, they cannot by their own act or prayers effect an ordination which the Church at large can receive as regular (165).

31. Although in the first ages of the Church no act of ordination was done by the Apostles except collectively and as a body (166), yet now a single bishop is allowed to ordain a deacon or a presbyter (167), because of the perpetual intercession which is made by the whole Church on his behalf (168). Yet, even now, without the concurrence of the presbyters, testified by the imposition of their hands and the expressed or implied consent of the people, he cannot lawfully ordain a presbyter, because his representative powers have been committed to him not for capricious use, but to be exercised together with the presbyters on behalf of all (169). For this reason a bishop is

the bishop's knowledge, by the simple order of a presbyter. Apost. Const. III. 11 forbids presbyters to ordain deacons or deaconesses, or readers, or singers, or door-wardens.

(165). Apost. Const. III. 10, 11, 20; VIII. 46: Nor must either a presbyter or a deacon ordain from the laity into the clergy. Concil. Hispal. II. A.D. 619, ap. Gratian I. Dist. LXVIII. c. 4, in forbidding this and other things to presbyters as well as to rural bishops, seems to imply that, but for the prohibition, they had the inherent power of ordaining. Devoti Lib. I. Tit. I. § 23 Nic.

(166). In Acts VI. 6 the Apostles in the plural laid their hands on the deacons.

(167). Concil. Hispal. II. A.D. 619, Can. 3, ap. Gratian I. Dist. LXVII. c. 2: A single bishop can bestow the honour of the presbyterate or diaconate, but a single bishop cannot take either away. Edgar's Law 2, A.D. 960.

(168). Concil. Clovesho, A.D. 747, Can. 30, requires prayers to be made by every presbyter for the bishop. Edgar's Law 67, A.D. 960, requires every priest to give an account of how he has fulfilled this obligation. See *Duties of Order*, § 24, 28.

(169). Clem. Ep. I. c. 44: Those appointed by the Apostles with the consent of the whole Church cannot be justly dismissed. Cyprian Ep. 23 (Oxf. 29) accounts to his clergy for certain ordinations: Nothing new has been done by me, but what upon the general advice of all of us had been begun. Also, Ep. 32 (Oxf. 38). Cornelius, A.D. 246, in Euseb. VI. 43, states

only allowed to ordain so long as he acts in accordance with canonical rules (170), and a rural bishop who has no regularly constituted Church or body of advising presbyters is forbidden to ordain a presbyter at all (171).

32. A single bishop can also bestow episcopal consecration if he is a metropolitan who by custom enjoys that privilege,

that as all the clergy and many of the laity resisted the ordaining of Novatus, the bishop requested that he might be permitted to ordain this one. Socr. I. 9, says that the Council of Nicaea decreed, A.D. 325, that such presbyters as had been found in no schism should have power to nominate and propose for ordination those who were worthy of the sacred office. Pseudo-Sylvestrian Council, Can. 7, A.D. 275, forbids a bishop to ordain nisi cum omni adunata ecclesia. Teaching of the Apostles, Can. 17: It is not permitted to the Guide (bishop) to transact matters which pertain to the Church apart from those who minister with him. Hieronym. ap. Gratian Caus. VIII. Qu. I. c. 15: At the ordination of a presbyter the presence of the people is necessary, that all may know that he who is superior to all the people, and more learned and more holy and more eminent in every way, is selected for the presbyterate. Stat. Eccl. Ant. A.D. 505, Can. 22, *Ibid.* I. Dist. XXIV. c. 6: Let not a bishop ordain clergy without the consent of his clergy. In Apost. Const. VIII. 16 the bishop prays: Look down upon this Thy servant who is put into the presbytery by the vote and determination of the whole clergy. Egbert's Excerpt 46, A.D. 740: Let the rector (bishop) do nothing without consent of his brethren. Concil. Nannet. A.D. 895, *Ibid.* c. 5; Gregory VII. *Ibid.* Caus. I. Qu. I. c. 113: Ordinations made without the common consent of clergy and people we judge to be false, since those who are thus ordained do not enter through the door, *i.e.*, Christ, . . . but are thieves and robbers. Urban II. *Ibid.* Caus. XII. Qu. II. c. 37: Ordinations of persons . . . made without the common consent of the clergy we judge to be nullities (irritas). Great stress is laid on the *commune votum* and *communis oratio* in the Gallican forms quoted by Duchêsne, pp. 355, 357.

(170). Concil. Antioch, A.D. 341, Can. 9 ap. Gratian Caus. IX. Qu. III. c. 2, allows each bishop to administer his diocese, "so that he may ordain presbyters acting with approved judgment." Concil. Taurin. A.D. 401, Can. 3: If any one hereafter acts contrary to the rules of the fathers, let both him who is ordained be deprived of his honour, and him who ordained him lose the power of ordaining and sitting in council.

(171). Concil. Ancyr. A.D. 314, Can. 13: It is not lawful for rural bishops to create presbyters or deacons in the country, but also not in the city without the bishop's permission. Concil. Hispal. II. A.D. 619, ap. Gratian I. Dist. LXVIII. c. 4.

such as the Bishop of Rome or Alexandria (172)—in this case his acts carry with them the acquiescence of his whole province, —or if the concurrence of his fellow-bishops has been already otherwise expressed (173). In any other case he cannot do so lawfully, because, although he may confer the necessary benediction for the office, yet without authority from others he cannot impart the stamp of doctrinal orthodoxy which will ensure recognition by other parts of the Church (174). Except in cases of extreme necessity (175) no bishop can therefore consecrate another without (1) the assistance or concurrence of at least two other bishops (176), nor (2) without the consent

(172). Concil. Nic. A.D. 325, Can. 6, preserves to the Archbishop of Alexandria his privileges, one of which was to consecrate all the bishops in his subject provinces. Ferrandi Breviarium, Can. 66: Ut unus episcopus episcopum non ordinet excepta ecclesia Romana. Consecration by a single bishop was the rule in the British and Irish Church, Haddan & Stubbs I. 155. Baeda I. 27 relates that Gregory, writing to Augustin, Qu. 6 ap. Gratian I. Dist. LXXX. c. 6, permits him to have the privilege. According to Baeda III. 22, and Haddan & Stubbs III. 82, Honorius of Canterbury alone consecrated Ithamar Bishop of Rochester in 644 A.D. Baeda III. 20 relates that Ithamar alone consecrated Deusdedit Archbishop of Canterbury A.D. 655. Baeda IV. 2, however, relates that Theodore supplemented Chad's consecration, who had been consecrated by one British bishop only (Baeda III. 28). Even in 1831 the Archbishop of Avignon and the Bishop of Dijon were consecrated by one bishop. Craisson, § 1735. Duchêsne Origines, p. 348, 364.

(173). Concil. Antioch, A.D. 341, Can. 19 ap. Gratian I. Dist. LXV. c. 3, and Concil. Martin, *Ibid.* c. 2, state that this consent may be given by letter.

(174). Concil. Arelat, A.D. 314, Can. 20; Innocent, A.D. 404, *Ibid.* I. Dist. LXIV. c. 5: Nor let one at haphazard ordain a bishop, lest the good gift should seem bestowed by stealth. Isidor. de Orig. Offic. II. 5, 11: The reason why a bishop is not ordained by one, but by all the provincials, is because of heresy, lest tyrannical authority should accomplish aught against the faith. Concil. Nic. A.D. 325, Can. 6 ap. Gratian I. Dist. LXV. c. I.: If two or three out of contentiousness oppose the common vote of all, the same being reasonable in itself and in accordance with ecclesiastical rule, let the vote of the majority prevail.

(175). Gregory, A.D. 601, ap. Gratian I. Dist. LXXX. c. 6; Decret. Lib. I. Tit. XL. c. 6 and 7.

(176). Concil. Arelat. A.D. 314, Can. 20, in H. & S. I. 7, requires seven, or

of the metropolitan, as the representative of the centralised authority of the Church (177).

33. Wherever the Church has been territorially mapped out, the bishop who ordains must at the time have jurisdiction over the person to be ordained (178). This he may have in three ways: (1) by the candidate's being locally resident or domiciled

at least three. Concil. Nic., Can. 4 ap. Gratian I. Dist. LXIV. c. 5; Innocent, A.D. 404, *Ibid.* c. 5; Gelasius, A.D. 494, *Ibid.* c. 6; Apost. Can. 1: Let a bishop be ordained by two or three bishops; Apost. Const. III. 20; VIII. 27: Let a bishop be ordained by three or two bishops, but if any one be ordained by one let him be deprived. Concil. Araus. A.D. 441, Can. 21, l. c., c. 3: It is decreed that, when it chances two bishops only ordain, both the ordained bishops and his ordainers be condemned. Concil. Martin, A.D. 572, *Ibid.* c. 7; Egbert's Excerpt 96, A.D. 740. Ordination at that time involved confirmation. The Act 23 Hen. VIII. c. 20, sec. 2, names two bishops as necessary, but 25 Hen. VIII. c. 20, sec. 5, requires an archbishop and two bishops, or alternatively four bishops, both to confirm and to consecrate. Stephens' Eccl. Stat. 159. It is disputed whether the assistants are witnesses and approvers, or co-consecrators. Gregory, in his letter to Augustin ap. Baeda I. 27, calls them witnesses, and compares them to married couples attending a wedding as sympathisers, and this view is upheld by Haller de Sacris Ordinationibus, Part II. § V. c. II. Art. 2. On the other hand, Baeda III. 22, and an authority in Haddan & Stubbs II. 214, call them coadjutores. Martene de Ant. Rit. Lib. I. c. VIII. Art. X. § 16, expressing the Gallican view, says that beyond a shadow of a doubt they are co-operatores, and also Tournely; but in the Roman Church it is generally held otherwise.

(177). Concil. Nic. Can. 8 ap. Gratian I. Dist. LXIV. c. 8: If any one is made bishop against the ruling of the metropolitan, the great synod holds that such an one shall not be accounted a bishop. Concil. Antioch, A.D. 341, Can. 19, *Ibid.* I. Dist. LXV. c. 3: A bishop must not be ordained without the counsel and presence of the metropolitan. Concil. Carthag. II. A.D. 390, Can. 12, *Ibid.* c. 5: Without the privity of the metropolitan (primatis) of each province, let no one presume to ordain a bishop. Apost. Const. VIII. 4, directs "the principal of the bishops" to make inquiry before ordaining a bishop. Concil. Tarracon. A.D. 516, Can. 4, requires a bishop ordained in pursuance of letters granted by the metropolitan to appear before him within two months, that he may be fully instructed by him as to the observance of canonical precepts.

(178). Apost. Can. 56: A bishop must not venture to ordain out of his own bounds, for cities or countries that are not subject to him. Boniface VIII. in Sext. Lib. I. Tit. IX. c. 3; Devoti Lib. I. Tit. IV. § 12, 14.

within the district of his Church; (2) by the candidate's having been previously ordained by him to some lower degree; or (3) by the candidate's having been elected to some office, or, as it is said, having acquired a title in his Church or its dependencies. No bishop can ordain the subject of another without his permission ([179]) signified by letters dimissory ([180]), nor his own subjects

(179). Concil. Nic. A.D. 325, Can. 16: If any one dare surreptitiously to ordain in his own Church the subject of another without his bishop's consent, let the ordination be unratified (ἄκυρος ἔστω = irregular. Can. 4 says the ratification of every ordination rests with the metropolitan). Concil. Carthag. 1, A.D. 348, Can. 5 ap. Gratian I. Dist. LXXI. c. 1; Concil. Chalcedon, A.D. 451, Can. 20; Innocent, A.D. 404, *Ibid.* c. 2: Let no one presume to ordain a clerk from a strange Church, unless the bishop of that Church gives permission. Concil. Elib. A.D. 305, Can. 24, *Ibid.* I. Dist. XCVIII. c. 4: All who have been baptized over seas, since their life is little known, ought not to be promoted to be clergy in other provinces. Concil. Milev. Can. 15 *Ibid.* I. Dist. LXXII. c. 3; Concil. Arvern. A.D. 535, Can. 11: Let no bishop dare to receive or promote to the presbyterate the clerk of another bishop against his will. Concil. Aurel. V. A.D. 549, Can. 5; Concil. London, A.D. 1126, Can. 10: Let no bishop ordain or pass sentence on the parishioner of another. Concil. Westminster A.D. 1138, Can. 7; Sext. Lib. I. Tit. IX. c. 2; Ayliffe 125, 402.

(180). The synod which condemned Paul of Samosata in 265 A.D., in Euseb. VII. 30, states in its circular letter: We have also communicated this to you that you may receive letters of communion from the bishop [appointed in his place]. Gratian I. Dist. LXXI. c. 7, and LXXII. c. 1: Letters testimonial were generally called *formatae*, *Ibid.* I. Dist. LXXI. c. 9, because they were drafted in the form agreed upon by the 318 bishops at Nicaea. Examples of such letters are given ap. Gratian I. Dist. LXXIII. They were of three kinds: (1) commendatoriae (συστατικοί), given to those labouring under suspicion who had cleared themselves; (2) communicatoriae, or pacificae (εἰρηνικοί), admitting to communion and the peace for those about to travel; and (3) dimissoriae. See *Eucharist*, note 266. Letters dimissory were given only to clergy, and were given to set them free from the Church to which they had been ordained, so that they could enter the service of some other Church without violating the canon. Concil. Chelsea, A.D. 787, Can. 6: Let a priest continue in that title to which he was blessed. Concil. Placent. A.D. 1095, ap. Gratian I. Dist. LXX. c. 2. After the establishment of the parochial system letters dimissory acquired an entirely new meaning, and were given to enable clergy to be ordained by another bishop than their own. Something of the kind is referred to by Innocent III. in Decret. Lib. I. Tit. XXIII. c. 8; but it is

within the Church of another, except to give the first tonsure, without special permission (181). Outside the province to which he belongs he cannot ordain at all unless invited so to do (182), nor can he ordain in his own Church if divested of jurisdiction by being suspended or deprived, by lapsing into heresy (183), or being superseded in visitation. Ordination in violation of this rule is termed invasion (184), and renders the offender liable to ecclesiastical censure (185); but if otherwise properly administered it is held in the West, at least since the fifth century, to be valid, but irregular (186). In the East ordination by heretics

explicitly allowed by Boniface VIII. in Sext. Lib. I. Tit. IX. c. 3. By Const. 1 Reynolds, A.D. 1322, a bishop's vicar-general cannot grant letters dimissory if the bishop is within the province.

(181). Apost. Can. 36; Concil. Turon. A.D. 460, Can. 9; Concil. Aurel. III. A.D. 538, Can. 15, ap. Gratian Caus. VII. Qu. 1. c. 28, and Caus. XVI. Qu. V. c. 1 and 3. Socrates II. 24 relates that Athanasius, having been restored to his see of Alexandria, in 349 A.D., by a Council at Jerusalem, passing through Pelusium, performed ordination in some of the churches there, whereupon he was charged with having ordained in the diocese of another.

(182). Concil. Const. A.D. 381, Can 2.

(183). Innocent, A.D. 404, ap. Gratian Caus. I. Qu. 1. c. 17: Those who have lost the perfection of the Spirit which they had received [by lapsing into heresy], cannot bestow the plenitude thereof which chiefly takes place in ordinations. *Ibid.* c. 29; Leo *Ibid.* c. 112.

(184). Concil. Carthag. III. A.D. 397, Can. 20: That another's flock be not invaded by any bishop, and that no bishop supersede his colleague in his administrative district (dioecesis). Concil. Chelsea, A.D. 816, Can. 11: That it be unlawful for any bishop to invade the parish of another, or to draw any ministration to himself which belongs to another in the consecration of Churches, or of presbyters or deacons, excepting only the archbishop.

(185). Concil. Aurel. III. A.D. 538, Can. 15: A bishop ought not to invade other dioceses for the purpose of ordaining clergy or hallowing altars. Should he do so, let those whom he has ordained be removed, but the consecration of the altars remain, and himself, as a transgressor of the canons, be suspended from celebrating masses for a year.

(186). Leo Epist. CLXVII. ad Rusticum c. 1: No reason allows those to be counted among bishops who have not been elected by their clergy, &c. But if any clergy have been ordained by such false bishops . . . such ordinations may be allowed. Pseudo-Isidor. Caus. I. Qu. 1. c. 40 calls such

is not held to be valid so as to confer the position of order in the Church; but, since it may be ratified and allowed in approved cases (187), it seems difficult to deny that it is held to be so far valid as to convey a gift from above.

34. To bestow orders in a regular manner they must be given (1) after examination and probation, (2) after fasting and prayer, and (3) unconditionally and gratuitously. A bishop is forbidden to lay hands suddenly on any one (188), by which is understood that he may neither ordain without previous examination as to knowledge (189), nor without previous proba-

strange bishops (pseudo-Episcopi), but allows their ordinations to be valid. Concil. Westminster A.D. 1138, Can. 7: We inhibit clerks that, without letters from their proper bishop, have been ordained by one that was not their bishop from exercise of their office; Concil. London A.D. 1175, Can. 5: Because clerks procure themselves to be ordained by foreign bishops we annul their order. Const. 37 Edmund, 1236.

(187). Apost. Can. 68: Those that are either baptized or ordained [by heretics] can be neither Christians nor clergymen. Syn. VII. A.D. 787, ap. Gratian Caus. I. Qu. VII. c. 3. Morinus de Sacr. Ord. Pars III. Exer. V. 11, 4: It is hence gathered that the Eastern Church has at various times admitted heretics in different ways. At the beginning of a heresy, to make return easier, it has admitted the ordinations of certain heretics; at other times it has declared them void and repeated them.

(188). 1 Tim. V. 22. Concil. Nic. A.D. 325, Can. 2: Because many things have been done contrary to Church rule, so that men lately come to the faith from a heathen life after being for a short time catechumens, are presently admitted to the spiritual washing, and simultaneously preferred to the episcopate or presbyterate, it is decreed that nothing of the sort be done for the future. Leo, A.D. 446, ap. Gratian I. Dist. LXXVIII. c. 3: What is laying on hands suddenly but bestowing the honour of the priesthood on such as have not been proved, before the age of maturity, before proper examination, before meriting obedience, before experiencing discipline. Lacy's Pontifical, p. 76: We forbid under pain of anathema that no one present himself for ordination without previous examination.

(189). Pseudo-Zephyrinus ap. Gratian I. Dist. LXXV. c. 3: Hold ordinations of priests and deacons at fitting times solemnly in the presence of many, and advance to this work men learned and wise. Concil. Carthag. III. A.D. 397, Can. 22, ap. Gratian I. Dist. XXIV. c. 2: Let no one be ordained to the clergy unless he be approved of by the bishop's examination or the testimony of the people. Concil. Clovesho, A.D. 747, Can. 6: That bishops ordain no clerk to the degree of a presbyter till they first

tion as to character ([190]). The examination as to knowledge is directed to test both the candidate's general knowledge ([191]), and also his knowledge of the Christian faith and its requirements ([192]). It was formerly ordered to commence on the Wednesday previous to the ordination, and to last three continuous days ([193]),

make open inquiry into his former life, and into his present probity of manners and knowledge of the faith. Decret. Lib. I. Tit. XXIX.; Lacy's Pontifical, A.D. 1450, p. 76; Ayliffe 402.

(190). Concil. Nic. A.D. 325, Can. 9 ap. Gratian I. Dist. LXXXI. c. 4; Gelasius, *Ibid.* I. Dist. XXIV. c. 3: If there is nothing in his life or morals against canonical rules do you ordain him presbyter. Gregory, *Ibid.* Caus. I. Qu. l. c. 119: Do ye therefore be specially careful in ordination, and by no means admit to holy orders those who are not advanced in years and clean in works. First investigate the life and manners of those who are to be placed in any holy order, and let neither force nor entreaty influence you. Concil. Clovesho. A.D. 747, Can. 6; Concil. Nannet. A.D. 895, *Ibid.* I. Dist. XXIV. c. 5; Const. 1 Reynolds, A.D. 1322; Const. 6 Mepham, A.D. 1330; Lynd. 33.

(191). Gratian I. Dist. XXXVII. c. 9–14; Concil. Tolet. VIII. A.D. 653, Can. 8: Let no one be admitted to any degree who does not know the whole psalter, the usual canticles and hymns, and the complete mode of baptizing. Elfric. Can. 23, A.D. 957: The teacher is blind that hath no book-learning. See § 48.

(192). Gratian I. Dist. XXXVII. c. 5, and Dist. XXXVIII.; Gregory, *Ibid.* Caus. I. Qu. l. c. 119; Concil. Clovesho, A.D. 747, Can. 10; Decret. Lib. I. Tit. XII.; Ayliffe 402.

(193). Concil. Nannet. A.D. 895, ap. Gratian I. Dist. XXIV. c. 5: When a bishop purposes to hold an ordination let all the candidates assemble on the previous Wednesday, together with the leading presbyters. Let the bishop select from his family (a latere suo) presbyters and other prudent men, conversant with the Divine law and practised in canonical rules, and charge them diligently to inquire into the life, condition, birthplace, age, training, and place of education of the candidates, and if they are fairly literate and instructed in the law of the Lord. Let those who have this charge beware that they do not deviate from truth out of favour or hope of reward, so as to recommend the unworthy or unfit to receive the sacred degrees at the hands of the bishop. . . . Let them be therefore carefully examined for three continuous days, and then on the Saturday on which they shall have been found meet let them be presented to the bishop. A MS. quoted in Lingard's Anglo-Saxon Church II. 19, directs candidates to repair to the bishop's residence a month before the day of ordination, for examination.

and the candidate is also required to be provided with the necessary books for his calling (194).

35. The probation which should precede is of longer duration (195). It consists in advancing the candidate, not all at once but by steps, through the lower up to the higher degrees of the presbyterate (196). Hence a neophyte may not be ordained

(194). Baeda ap. Gratian I. Dist. XXXVIII. c. 5 [attributed there to Augustin]: The things which priests must necessarily have by them for learning are the sacramentary, the lesson book, the hour book, the baptismal book, the calendar, the penitential rule, the psalter, the homilies suited for Sundays and festivals throughout the year. If any one of these is wanting, the priest's name will hardly pass muster, because the Gospel woes are to be feared which say: If the blind lead the blind, both shall fall into the ditch. Elfric's Can. 9, A.D. 957: The priest shall have the furniture for his ghostly work before he is ordained, *i.e.*, the holy books. . . . It is necessary that the mass-priest have these books.

(195). Concil. Arelat. IV. A.D. 524, Can. 2 forbids any one to be admitted to the diaconate nisi post annuam conversionem. Concil. Aurel. III. A.D. 538, Can. 6; Concil. Aurel. V. A.D. 549, Can. 9; Concil. Brac. I. A.D. 563, Can. 20, requires the year to be spent in minor orders.

(196). Cyprian Ep. 57, 8, A.D. 252, declares Cornelius a valid bishop because he was promoted through all the ecclesiastical offices, and ascended by all the steps of religious service to the summit of the priesthood. Siricius, A.D. 385, ap. Gratian I. Dist. LXXVII. c. 3; Zosimus, A.D. 418, *Ibid.* I. Dist. LIX. c. 2: If high offices of state are not committed to those who have only entered the porch, but to those who, by examination in lower degrees, have obtained the foremost rank, who will be so arrogant or impudent as to aspire to be a leader in the heavenly warfare without having been first a follower, and a teacher before he has been a learner? Let him acquire the elements of the Divine service in the Lord's camp, in the rank of the readers, and not think it beneath him to become exorcist, collet, subdeacon, and deacon, successively. And let him come to the apex of the presbyterate when his age corresponds with the name of presbyter, and his previous services attest the merit of his uprightness. Coelestin. A.D. 428, *Ibid.* c. 4: He who has not risen by each branch of service cannot attain to the order of the presbyterate. Gregory, A.D. 599, *Ibid.* c. 3: Because it often happens that on a bishop's death some layman takes the tonsure, and is straightway promoted to the priesthood, . . . it is therefore necessary that, however great an individual's merits may be, he should be trained to ecclesiastical duties by passing through the several distinct orders. See *Ibid.* I. Dist. LXI. c. 7; Concil. Sardic. A.D. 343, *Ibid.* c. 10; Leo, A.D. 446, *Ibid.* c. 5; Concil. Brac. A.D. 563, Can

to any holy order (197). The omission of any degree is forbidden as a neglect of probation (198), and also the bestowal of several degrees at once without a proper interval between them. The former is called ordination at a bound or *per saltum* (199), the latter the inculcation of orders (200) or ordination *omissis interstitiis* (201). Exceptions are occasionally allowed for some urgent cause, and according to the Roman use it was customary to advance a subdeacon to the diaconate and presbyterate on the same day (202), lest having become a deacon he should afterwards refuse to be advanced to the presbyterate. The bishop who confers one degree ought to confer the rest (203); nevertheless, in case of illness, death, or other sufficient cause,

20: That no layman be advanced to the priesthood except "per singulos gradus eruditus." Const. 5 Peckham, A.D. 1281; Decret. Lib. V. Tit. XXIX.; Egbert's Pontifical shows the probation through which Christ passed.

(197). Concil. Nic. A.D. 325, Can. 2; Gregory ap. Gratian I. Dist. LIX. 3 and LXI. 1: Concil. Martini, A.D. 572, Can. 22.

(198). Pseudo-Isidor. ap. Gratian I. Dist. LXXVII. c. 1. Alexander II. A.D. 1065, *Ibid.* I. Dist. LII. c. 1, required a presbyter to be ordained subdeacon who had been ordained presbyter without being ordained subdeacon praepostero cursu. Concil. Sardic. A.D. 347, Can. 10 (Greek) calls it προκοπή. Concil. Barcin. II. A.D. 599, Can. 3 forbids ordination per saltum, but calls the decree an innovation. Also Syn. VIII. A.D. 869, Can. 5.

(199). Const. 5 Thoresby, A.D. 1363.

(200). Innocent III. in Decret. Lib. I. Tit. XI. c. 13 and 15, directs a bishop to be suspended who confers two orders on the same person on the same day, or yet on two following days continuing the fast; the reason assigned (Lib. III. Tit. XLI. c. 3) being that he cannot say two masses the same day. Const. 5 Peckham, A.D. 1281: Let no man have orders inculcated in him, because the inculcation lessens the reverence, and by consequence the grace, which bounds back from graceless men. It is, therefore, contrary to the dignity of the most reverend sacrament to confer five orders to one man at once, *i.e.*, four unsacred, one sacred. Lynd. 309; Can. 32 of 1603; Ayliffe 402.

(201). Const. 5 Islep, A.D. 1362.

(202). Morinus de Sacr. Ord. Pars 3, Exer. 2, c. 2 and 3; Gelasius ap. Gratian I. Dist. LXXIV. c. 9 permits subdeacons and collets to be made presbyters if deacons refuse promotion. Duchêsne, p. 340.

(203). Gratian I. Dist. XXIII. c. 15.

the ordination commenced by one bishop may be completed by another.

36. Minor orders may, by Roman rule, be conferred on any day, hour, and place, but, by English rule, only in the morning, before dinner ([204]); and since fasting and prayer are necessary for obtaining any gift of the Spirit, not only should the benediction of any order which is sacramental be given by fasting consecrators to fasting recipients, but it should also be given at times when the whole people have engaged in prayer and fasting on their behalf ([205]). In places such as Spain ([206]) and Gaul ([207]), where a three days' fast was formerly observed every month except July and August, or at Rome, where, before the fifth century, a three days' fast was observed every week ([208]), ordination to holy orders took place at any fasting time, but in Rome chiefly in the month of December ([209]). Since the fifth century, when the three days' fast has, in the West, only been kept four times a year, the ordination of presbyters and deacons has been confined to these four seasons, now called Ember-seasons ([210]), and to the mid-week and final week in the Lenten fast-tide ([211]). A rule to this effect was

(204). Maskell Mon. Rit. II. 155 (ed. 1882).

(205). Acts XIII. 3; Leo ap. Gratian I. Dist. LXXV. c. 4; Const. 1 Reynolds, A.D. 1322.

(206). Concil. Elib. A.D. 305, Can. 23; Concil. Tolet. XVII. A.D. 694, Can. 6; Isidor. de Offic. I. 42, says that these three days' fasts are observed, following the example of the Ninevites.

(207). Theodori Poenit. I. VI. 5, in H. & S. III. 183: Theodore approved of twelve three days' fasts counting as a year.

(208). Viz., one day on Wednesday, and a superpositio or forty hours' fast on Friday. Innocent, A.D. 416, ap. Gratian III. Dist. III. c. 13: There can be no doubt that it was because the Apostles so fasted on the two days before the Lord's resurrection that ecclesiastical tradition forbids the celebration of the sacraments on them; which custom must be observed every week, because the commemoration of that day is celebrated every week.

(209). Amalarius de Off. Lib. II. c. 1, says that Simplicius was the first to hold ordinations in February. Duchêsne, p. 340, says the Liber Pontificalis always mentions ordinations in December. See Maskell Mon. Rit. II. CXXXV.

(210). Duchêsne 355.

(211). Duchêsne, p. 233.

adopted in this country in the eighth century ([212]), and has since then become universal in the West.

37. The dignity of the episcopate may by early rule be conferred only on Sunday ([213]), but later Roman custom allows it to be conferred also on a saint's day ([214]). According to Gallican rule a bishop should be consecrated in the Church of the city over which he is called to preside ([215]), but the Roman rule, adopted in this country, requires the consecration to take place in the metropolitan's Church and not elsewhere, except with the consent of the metropolitan chapter ([216]). Degrees below the subdiaconate may be conferred upon one or two at a time, on any Sunday or festival ([217]), and in other places than a church ([218]). No one can, however, be ordained subdeacon, deacon or pres-

(212). Concil. Clovesho, A.D. 747, Can. 18; Pupilla Oculi, A.D. 1378, Lib. VII. c. 3.

(213). Leo, A.D. 445, ap. Gratian I. Dist. LXXV. c. 5: That ordinations of priests [*i.e.*, bishops] are held on the Lord's day we know to be not merely matter of custom but of apostolic teaching. Concil. Tolet. IV. A.D. 633, Can. 18, says on Sunday. Concil. Caesaraugust. III. A.D. 691, Can. 1; Egbert's Excerpt 96, A.D. 740: Ordinations of bishops ought to be on the Lord's day, not in the country or small towns, but in the chief cities.

(214). See Maskell Mon. Rit. II. 258.

(215). Concil. Aurel. IV. A.D. 541, Can. 5; Duchêsne 358 states that the metropolitans of Milan and Aquileia consecrated each other, and that their suffragans, like those of Rome, were consecrated in the metropolitan Church. Concil. Tolet. IV. A.D. 633, leaves the choice of place to the metropolitan. Ennodius Vita Epiphan. p. 341.

(216). The Chapter of Canterbury protested when Anselm, in 1108, consecrated Belmeis Bishop of London at Pagham, away from the metropolitan Church, without their license. See Hook's Lives II. 265. When Edmund,, in 1258, consecrated a Bishop of St. Asaph at Boxgrove (*Ibid.* III. 216) he gave a certificate to the Chapter, in order not to prejudice the rights of their Church, H. & S. I. 465. When, in 1255, Boniface consecrated a Bishop of Ely at Belley without a license from the Chapter, the whole province protested. Hook's Lives III. 278; Gibson 111; Maskell Mon. Rit. II. CXXXIV.

(217). Innocent III. in Decret. Lib. I. Tit. XI. c. 3: It is allowed to bishops to promote one or two to minor orders on the Lord's day and other festivals.

(218). Concil. Laodic. A.D. 363, Can. 15 ap. Gratian I. Dist. LXIX. c. 2, speaks of exorcists ordained either in Church or in their own houses.

byter at any other time than on one of the four Embertide Saturdays (219), the vigil of Passion Sunday, formerly known as the mid-week in Lent (220), or Easter Eve (221), without becoming irregular. At these times, nevertheless, the ordination may take place either on the eve-day after sunset or early on Sunday morning (222). Ordination is forbidden in the presence of hearers (223), and should always take place at a Eucharistic celebration (224). Early Roman custom placed it in the forefront of the mass of the faithful, *i.e.*, before the Gospel-readings with which that service commenced, and the Bishop of Rome is still

(219). Gratian I. Dist. LXXVI.; Gelasius *Ibid.* LXXV. c. 7; Concil. Winton. A.D. 1071, Can. 4: That ordinations be performed at proper seasons. Alexander III. to Bishops of Bath and Hereford in Decret. Lib. I. Tit. XI. c. 1 and 2, and Urban III. *Ibid.* c. 8, forbid the exercise of order conferred at any other time. Const. 1 Reynolds, A.D. 1322; Devoti Inst. Lib. I. Tit. IV. § 6; Egbert's Excerpt 97, A.D. 740: Let the ordinations of priests and deacons be on the Sabbaths of the four seasons. Duchêsne 342.

(220). Gelasius, A.D. 494, ap. Gratian I. Dist. LXXV. c. 7: Ordinations of priests and deacons should not be held except at fixed seasons, *i.e.*, in the fasts of the fourth, seventh, and tenth months, likewise at the beginning of Lent, in the mid-week of Lent (mediana hebdomas, referring to the time when at Rome Lent was observed for three weeks only, Socrat. v. 22), and on the fast of Easter Eve (sabbati jejunio) about sunset. Alexander III. in Decret. Lib. I. Tit. XI. c. 3: It is not lawful for any bishop except the Roman pontiff to ordain to the subdiaconate [and other holy orders], except on the four Embertides, or on holy Sabbath, or the sabbath before Passion Sunday.

(221). Gelasius l. c. Leo, A.D. 445, *Ibid.* c. 4.

(222). Leo, ap. Gratian I. Dist. LXXV. c. 4: The ordination of a priest or Levite (*i.e.*, deacon) should not be celebrated at any or all times, but the beginning of the night (exordia noctis) should be chosen which after Saturday [after 6 P.M., when the day ended] dawns upon the first day of the week (lucescit in prima sabbati), and in it (quibus referring to exordia noctis) fasting consecrators should bestow the holy blessing upon fasting receivers. It will be a like observance of this rule if the ordination is celebrated early on the Sunday morning itself (mane ipso dominico die) before breaking Saturday's fast, there being no difference between this time and the beginning of the night preceding, since without doubt the night preceding is part of Sunday. Rabanus, A.D. 834, de Cler. Inst. II. c. 24.

(223). Concil. Laodic. A.D. 363, Can. 5.

(224). Theodori Poenit. II. III. 1, 2, in H. & S. III. 192; Innocent III. in Decret. Lib. I. Tit. VI. c. 28.

consecrated at the very beginning of the service, before the angelic hymn ([225]). All other ordinations, however, now take place in the West before the Gospel, although the Gospel has long ceased to be the beginning of the service.

38. Ordination must be given unconditionally and gratuitously. To ordain for money, or to give money or any consideration to procure orders ([226]), constitutes the grave sin of simony ([227]). A bishop ordaining any one against his will ([228]), or ordaining the subject of another ([229]), is directed to be suspended for a year from offering the oblation; a bishop ordaining contrary to the canons one who is disqualified ([230]), or inculcating orders ([231]), to be deprived of the right of

(225). Innocent III. A.D. 1202, l. c.

(226). Concil. Barcin. II. A.D. 599, Can. 1; Elfric's Can. 27, A.D. 957; Concil. London A.D. 1126, Can. 3: That at the consecration of bishops blessing of abbots, dedication of churches, a cope, a carpet, a towel, a basin be not demanded by force, nor taken unless freely offered. Concil. Westminster A.D. 1138, Can. 3, repeats the same. Innocent III. to Archbishop of Canterbury in Decret. Lib. V. Tit. III. c. 36.

(227). Concil. Aurel. II. A.D. 533, Can. 3 and 4; Gregory ap. Gratian. Caus. I. Qu. l. c. 117; Concil. Winton. A.D. 1070, Can. 2, and A.D. 1071, Can. 2: That no one be ordained by means of simoniacal heresy. Concil. London A.D. 1126, Can. 1: Following the ancient fathers, we forbid, by apostolical authority, any man to be ordained for money. Concil. Westminster A.D. 1127, Can. 2: We wholly forbid any man to be ordained or preferred by means of money.

(228). Concil. Aurel. III. Can. 7, A.D. 538, ap. Gratian I. Dist. LXXIV. c. 1; Ayliffe 402.

(229). Concil. Aurel. III. Can. 15, A.D. 538, *Ibid.* Caus. VII. Qu. l. c. 28; Concil. Lugdun. II. A.D. 1274; Sext. Lib. I. Tit. IX. c. 2.

(230). Concil. Nic. A.D. 325, Can. 3: The bishop that does otherwise [than ordain after probation] shall do it at the peril of his order. Stat. Eccl. Ant. A.D. 505, Can. 68, ap. Gratian I. Dist. l. c. 55: If a bishop has knowingly ordained a penitent, let him be deprived of his episcopate, *i.e.*, of the power of ordaining. Let a bishop have the like sentence who knowingly ordains one who has married a widow or divorced woman. Leo, A.D. 446, *Ibid.* Caus. I. Qu. l. c. 43: If any bishop have ordained any presbyters contrary to the canons, even should they escape the loss of their own dignity, they shall in future have no right of ordaining. Concil. Arelat. III. Can. 3, *Ibid.* I. Dist. LV. c. 2; Concil. Aurel. III. A.D. 538. Can. 6.

231). Innocent III. in Decret. Lib. I. Tit. XI. c. 15.

ordaining in future; and a bishop simoniacally conferring orders to be deposed (232). To prevent future cavil, ordination ought always to be attested by letters of orders (233).

39. The effect of ordination, when validly and regularly bestowed, is threefold—(1) An increase of sanctifying grace is received by the person ordained, according to his merits (234), whereby he becomes personally more holy than he was before. (2) He receives sacramental grace, aiding him in the discharge of the duties belonging to his new position. (3) By the communication of a Divine capacity, an indelible character is impressed on him (235). When ordination has been validly but irregularly given, as when it is given to one who is not a fit subject to receive it (236), the character is held to be imparted, but not the execution of the order. In such a case the recipient is said to be irregular, and is excluded from any exercise of his order until he has obtained from the Church an acknowledgment of his position in order (237).

(232). Concil. Chalcedon, A.D. 451, Can. 2, ap. Gratian, Caus. I. Qu. I. c. 8: If any bishop shall ordain for money, . . . let him who is convicted forfeit his own degree, and let him who is ordained benefit nothing by the ordination. Egbert's Excerpt 43, A.D. 740.

(233). Codex Eccles. Afr. 89, requires letters of orders to be given to bishops to prevent all disputes as to seniority.

(234). Origen de Prin. I. 3, 7: There is another grace of the Holy Spirit which is bestowed upon the deserving through the ministry of Christ, in proportion to the merits of those who are rendered capable of receiving it. Concil. Neocaesar. A.D. 314, mentions the current opinion that the imposition of hands in ordination absolves from all sins except carnal ones.

(235). Thomas Aquinas Suppl. Qu. 34 Art. 2, defines character as "an indelible spiritual mark impressed on the soul by means of a sacramental sign (per sacramentum), carrying with it the capacity (habens rationem) of a spiritual power, which power consists in participating in the power, the dignity, and the priesthood of Christ." Concil. Hispal. II. A.D. 619, ap. Gratian I. Dist. XXIII. c. 13, calls it titulum consecrationis. See *The Sacraments*, § 21.

(236). Innocent III. in Decret. Lib. I. Tit. IX. c. 10; Lynd. 27.

(237). Gelasius ap. Gratian, Caus. I. Qu. VII. c. 12: Should any, through their own recklessness, or the carelessness of the presidents, have been admitted [whilst thus disqualified], let them remain in the position in

40. When order has once been received, the character is so indelibly impressed that it can neither be lost (238) nor renounced (239). Hence no order can be reconferred without sacrilege (240). Should, however, a doubt arise as to whether the character has been received, or as it is commonly expressed, whether a person has been validly ordained or not, the rule of the West since the eighth century requires it to be conditionally reconferred (241). Should it be known to

which they are without any further advancement. Gregory, *Ibid.* Caus. IX. Qu. I. c. 1: We can in no way call that [canonical] ordination which is given by those excommunicate. *Ibid.* c. 6 refuses to acknowledge a presbyter ordained by non-Catholics. *Id. Ibid.* I. Dist. LXVIII. c. 1: Should any one attain the priesthood with some little fault, let penance be enjoined on him for the fault. Decret. Lib. I. Tit. XI. c. 16; Const. 1 and 37 Edmund, A.D. 1236: We suspend those from the exercise of their order who were not born in lawful matrimony, and were ordained without a sufficient dispensation, as also those who were ordained by such as were not their proper bishops without the license of their proper bishops, till they have obtained dispensation. Lynd. 30; Ayl. 402.

(238). Rom. XI. 29; Augustin de Bono Conjug. 24: If one is ordained into the clergy, to gather a people together, even though the gathering of the people does not follow, yet in those thus ordained the sacrament of order remains, and if any one, for any fault, is removed from his office, he will not be without the Lord's sacrament, once given, although it remains for judgment. Thomas Aquin. II. 2, Qu. 39, Art. 3: The sacramental power remains in its essence in the man who has received it by consecration as long as he lives, whether he falls into heresy or schism. Craisson, § 251.

(239). Alexander III. in Decret. Lib. I. Tit. XIII. c. 1, however, says a bishop can renounce his dignity as well as his place, because his is a dignity.

(240). Concil. Nic. Can. 8 ap. Gratian Caus. I. Qu. VII. c. 8, directs those ordained by Novatians to keep their rank. Leo *Ibid.* c. 19 and 20; Gregory *Ibid.* I. Dist. LXVIII. c. 1: As he who has been once baptized ought not to be again baptized, so he who has been hallowed once ought not to be again hallowed in the same order. Augustin *Ibid.* Caus. I. Qu. I. c. 97: Each is a sacrament, and each is bestowed by a kind of hallowing, the one at baptism, the other at ordination, and therefore in the Catholic Church neither may be repeated. Innocent III. in Decret. Lib. I. Tit. XVI.

(241). Gregory III. ad Boniface ap. Gratian I. Dist. LXVIII. c. 2: As to the priests you have found there, if those who ordained them are unknown, and it is doubtful whether they were bishops or not, if such

have been invalidly received — which was the view taken in the East and in Spain of the orders of certain heretics (242)— it should be repeated, or, as the Easterns express it, ratified by the imposition of hands (243). On the other hand, to pretend to renounce order is to disown the Spirit's work, which is apostasy (244). One who is guilty of this offence is directed to be excommunicated, and for ever after forbidden the exercise of order (245).

THE SUBJECTS OF ORDER. QUALIFICATIONS.

41. Although in the first ages of the Church the qualifications for order were in many respects the same as the qualifications for baptism, and laymen no less than presbyters and deacons had a distinct part to perform in the priestly functions

priests are men of good conduct and Catholics, and learned in the ministry of Christ and His holy law, let them receive the benediction of the presbyterate from their bishop and be hallowed, and so discharge their holy function. Baeda IV. 2 relates that Theodore completed the ordination of Bishop Chad in 680, who had been consecrated by one bishop and two British bishops whose orders were doubtful (Baeda III. 28), after the Catholic manner. Concil. Chelsea A.D. 816, Can. 5 : That none of Scotch extraction be allowed to usurp to himself the sacred ministry, . . . because we are not certain how or by whom they were ordained. Innocent III. in Decret. Lib. III. Tit. XLIII. c. 3, A.D. 1206 : Non intelligitur iteratum quod ambigitur esse factum.

(242). Concil. Caesaraugust. II. A.D. 592, Can. 1, directs converts from Arianism to receive again the blessing of the presbyterate.

(243). Acts XII. ; Concil. Nic. A.D. 325, Can. 8, uses the expression χειροθετούμενοι of Novatians.

(244). Alexander III. in Decret. Lib. V. Tit. IX. c. 1 ; Ayliffe 85 ; nevertheless 33 and 34 Vict. c. 91 legalises such apostasy here.

(245). Theodori Poenit. I. VIII. 12, 13, in H. &. S. III. 182 : If any one should renounce the world, and afterwards return to the secular habit, . . . unless he were a monk when he left the Church let him do penance seven years. Egbert's Excerpt 60, A.D. 740: If a clerk contemptuously refuse to return let him be anathema. Concil. Westminster A.D. 1102, Can. 11 : That clerks who have forsaken their order do either return or be excommunicate. Concil. Aurel. 1, A.D. 511, ap. Gratian Caus. XXVII. Qu. 1, c. 32.

of worship ([246]), yet, when the general standard of conduct had become lowered by the removal of the stimulus of persecution and the universal practice of infant baptism, it was felt imperative that those at least who discharged the higher functions of the priesthood and were commissioned to rule others should not fall below the standard of early days. The clerical order was in consequence differentiated more sharply than before from the order of laymen. When at a later period, upon the decline of solemn worship, the vicarious discharge, not only of the laymen's but also of the deacon's duties, devolved upon presbyters in addition to their own, none it was deemed could have a Divine call ([247]) to so exalted a position at once of government and representation unless he had first proved his capacity for self-government, and together with innocence of life possessed adequate learning ([248]).

42. The primary requisite for order is universally allowed to be the Divine call ([249]), by which is understood the act of God's

(246). Clement, 1 Cor. c. 4: Let each one take part in the Eucharist in his own order.

(247). Cyprian Ep. 54 (Oxf. 59), 5, who states that election is not enough. De Unit. Eccl. c. 10.

(248). Cyprian Ep. 67, 1 and 2; Concil. Elib. A.D. 305, Can. 24: Foreigners may not be ordained, because their manner of life is unknown. Concil. Nic. A.D. 325, Can. 9: The Catholic Church admits only that which is blameless. Gelasius ap. Gratian Can. I. Qu. 1. c. 91: Our most holy religion, which includes the celebration of Catholic observances (disciplinam), claims for itself such respect that no one may come to it without a pure conscience. Concil. Tolet. VIII. A.D. 653, Can. 8: It is absurd that those whose business is to teach others, and to set them an example of life and conduct, should be advanced to any degree in order without a knowledge of the law of God and a moderate acquaintance with letters. . . . Such an one only may be advanced who is illustrious for innocence of life and distinction of learning. Concil. Westminster A.D. 1126, Can. 8.

(249). Acts I. 24: Show whether of these two men Thou hast chosen. It is called *ἀνάῤῥησις ἱερά* in Dionysius ap. Morin. p. 57. Lucifer de S. Athanas. I. 9: He only can be filled with the virtue of the Holy Ghost for the governing of His people whom God has chosen, and on whom hands have been laid by the Catholic bishops. Hieronym. ap. Gratian Caus. VIII. Qu. 1. c. 16: Let the government of the people be intrusted

providence by which He chooses some and prepares them by suitable mental endowments for performing sacred functions, and inspires them with a desire to embrace the ecclesiastical state to His honour and their own sanctification. The nature and tests of this call belong to the department of moral theology. In itself the call is internal, yet it requires external recognition by the Church (250); and because its existence is invariably necessary, order may never be forced on an unwilling subject (251). On the other hand, one who has taken any degree in order and then refuses to go forward may be deprived of the position he already holds (252), because such refusal is evidence of defection after putting his hand to the plough.

to him whom God shall select, viz., one who has in himself the Spirit of God, and before whose face are the commandments of God.

(250). Innocent III. in Decret. Lib. V. Tit. VII. c. 12: According to the Apostle, How shall they preach unless they be sent? and the Truth Himself said to His Apostles, Pray ye the Lord of the harvest that He would send forth labourers into His harvest. But if any one cleverly replies that such persons [as the heretics] are invisibly sent by God, albeit they are not visibly sent by man, and that the invisible mission is far higher than the visible, and the Divine better than the human, . . . it may be reasonably replied that, inasmuch as the inner mission is hidden, it is not enough for any one to assert that he is sent by God (which any heretic may say), but he must give proof of his invisible mission.

(251). Concil. Aurel. III. A.D. 538, Can. 7 ap. Gratian I. Dist. LXXIV. c. 1: Let a bishop who ordains one against his will (invitum aut reclamantem) be suspended for a year from offering the oblation. Gregory, A.D. 591, *Ibid.* c. 2; Const. 1 Reynolds, A.D. 1322; Lynd. 309, followed by Benedict XIV., state that such an ordination is absolutely void. Hutton, p. 485.

(252). Concil. Carthag. V. A.D. 401, ap. Gratian I. Dist. LXXIV. c. 3: If any clergy refuse to be advanced by their bishops, let them not remain in the degree from which they have refused to move. The tonsure given in infancy may alone be renounced. Gratian Caus. XX. Qu. II. c. 1; Concil. Westminster A.D. 1127, Can. 4: If any in the inferior orders refuse at the bishop's admonition to be ordained, let him be deprived of the dignity assigned him. Alexander III. to the Archbishop of Canterbury and his suffragans in Decret. Lib. I. Tit. XIV. c. 6: Since the sacred canons seem to disagree [as to the promotion of unwilling clergy], some saying that such ought not to be compelled to proceed, others asserting the contrary, we undo the knot of contradiction by this present writing, decreeing that

43. The outward qualifications which are held to be ordinarily necessary to show the existence of a Divine call (253) include (1) being a man and not a woman; (2) having received already the sacrament of baptism in its entirety (254); (3) being free from any physical defect which would incapacitate for the exercise of order; (4) holding the right faith and being of approved life; (5) having adequate learning (255); and (6) having a proper title. But since there are cases in which there is unmistakably a Divine call although one or more of these outward qualifications are absent, the Church reserves to herself in most cases a dispensing power, subject nevertheless to many safeguards.

44. Two classes of persons are without the elementary qualification for receiving order, viz., women and unbaptized persons. The ordination of a woman is a mere nullity, women being for-

if the aforesaid clergy declare themselves unworthy to receive higher orders because of secret sins, inferiors shall be promoted over their heads; and unless those who so refuse to be ordained are very useful in other ways to their Churches, they shall be deprived of their benefices, which shall be canonically bestowed on others. Const. 10 Otho, A.D. 1237: If vicars themselves are the occasion of their not being ordained, we decree that they be deprived of their benefices. Syn. Patricii, Can 10, in Haddan and Stubbs II. 329: If any one shows the beginning of a good work by becoming a singer, and then intermits it discarding the tonsure, let him be excluded from the Church, unless he returns to his former position.

(253). Innocent III. A.D. 1199, in Decret. Lib. V. Tit. VII. c. 12.

(254). Including confirmation. Concil. Nic. A.D. 325, Can. 8, requires Novatians who join the Catholic Church to remain in their degree after receiving the laying on of hands (χειροθετουμένους), because Novatians denied the grace of laying on of hands. Maskell. Mon. Rit. II. 156.

(255). Concil. Lat. III. A.D. 1179, Can. 2, in Decret. Lib. I. Tit. VI. c. 9, mentions as positive requisites (1) age, (2) morals, and (3) learning. Similar requirements are made by Alexander III. *Ibid.* Tit. XIV. c. 6, and for promotion to the episcopate by Innocent III. *Ibid.* c. 22. Const. 6 Otho, A.D. 1237: Since it is very dangerous to ordain idiots, illegitimates, irregulars, illiterates, strangers, and any that want a certain title, we enact that a diligent inquiry be made by the bishop before ordination concerning these particulars. Lynd. 138, 139; Whitgift's Martyrology XXXI.: The ecclesiastical doctor ought to be distinguished both for learning and life. Learning without life makes a man arrogant; life without learning makes him useless.

bidden even to come near the altar at service time ([256]). The ordination of an unbaptized person may render his acts means of grace to those who receive them in faith ([257]), ignorant of his incapacity, but it leaves himself devoid of the sacramental

(256). 1 Cor. XIV. 34; 1 Tim. II. 12: In Phrygia and among the Montanists women appear to have exercised diaconal functions. Iren. I. 13; Hippol. VI. 34. The synod which condemned Paul of Samosata, A.D. 265, enumerates among his offences that "he prepared women to sing in the midst of the Church, which one might shudder to hear." Isidor. de Offic. II. 18, 11: Women are excluded from all degrees and offices of order. They may neither speak nor teach in Church, nor touch nor offer. Concil. Rothomag. A.D. 650, ap. Gratian III. Dist. II. c. 29: It has come to our knowledge that some priests so lightly esteem the holy mysteries that they intrust the holy Body of the Lord to a layman or a woman to carry to the sick, and commit that which is most holy to those who are forbidden to enter the holy place or to approach the altar. The synod altogether forbids the repetition of such presumption in future. Theodori Poenit. II. VII. A.D. 673, in Haddan & Stubbs III. 196: Women may not cover the altar with the corporal, nor place the oblations or the cup on the altar, nor stand amongst the ordained in Church. . . . A woman may not give penance to any one. Concil. Paris VI. A.D. 829, ap. Gratian Caus. XX. Qu. II. c. 3 forbids an abbess to veil a widow. Pseudo-Isidor. A.D. 843, *Ibid.* I. Dist. XXIII. c. 25: The Apostolic See is informed that with you consecrated women or minikins touch the sacred vessels or sacred altar-cloths, and carry incense about the altar, all of which things, as every wise man knows, ought to be reproved and rebuked. We, therefore, by the authority of the Holy See, order that these practices be exterminated as quickly as possible. Egbert's Excerpt, A.D. 740; Edgar's Law 44, A.D. 960: That no woman come near the altar while mass is celebrating. Cap. 6 Theodulf, A.D. 994; Concil. Lat. II. A.D. 1139, ap. Gratian Caus. XVIII. Qu. II. c. 25, forbids consecrated women to sing in the choir of any church with canons or monks. Innocent III. A.D. 1210, in Decret. Lib. V. Tit. XXXVIII. c. 10: We hear that in the diocese of Burgos and elsewhere abbesses bless their own nuns, hear their confessions, and, reading the Gospels, presume publicly to preach. . . . This we forbid for the future, for although the Blessed Virgin was more worthy and excellent than all the apostles, yet to these and not to her Christ committed the keys of the kingdom of heaven. Lynd. 283, 133; Hobart. 149. See *Sacraments*, § 17; and *Baptism*, note 108; the *Eucharist*, note 117.

(257). Innocent III. in Decret. Lib. III. Tit. XLII. c. 3, says the fides sacramenti is as effectual to make a man a member of Christ as the sacramentum fidei

gift (258). The ordination of one who has received heretical baptism is good whenever the baptism itself is known to be valid (259). The ordination of a child is also held to be good, but he does not thereby contract the usual obligations of order (260).

45. Physical defects which disqualify for orders are such imperfections of body as would incapacitate for the execution of the sacerdotal office, such as deformity (261), loss of a member (262), blindness or deafness (263), madness, idiocy or epilepsy (264), and also want of age; but partial lameness (265)

(258). Isidor. ap. Gratian III. Dist. IV. c. 23, and Caus. I. Qu. l. c. 59; Theodori Poenit. II. II. 13, in H. & S. III. 192, *Id.* I. IX. 12, *Ibid.* 185, quoted *Baptism*, note 139. Alexander III. in Decret. Lib. III. Tit. XLIII. c. 1; Innocent III. *Ibid.* c. 3, says the Eucharist may be received at the hands of such a priest, but he has not received the priestly character. Clinical baptism is an obstructive but not a destructive disqualification, according to Concil. Neocaesar. A.D. 314, ap. Gratian I. Dist. LVII., the orders being valid but the recipient being irregular. Devoti. Inst. Lib. I. Tit. VII. c. 7.

(259). Concil. Carthag. III. A.D. 397, ap. Gratian Caus. I. Qu. IV. c. 3.

(260). Benedict XIV., quoted by Gousset Théologie dogmatique II. 429; but as Boniface VIII. in Sext. Lib. I. Tit. IX. c. 4 forbids even the first tonsure to be given to an infant unless he enters a religious house, such ordination would in any case be irregular.

(261). Apost. Can. 77, 78, call deafness and blindness an impediment, but not the loss of an eye, or lameness. Gelasius, A.D. 494, ap. Gratian I. Dist. LV. c. 1 and LXXVIII. c. 8, forbids the bestowal of orders on one corpore vitiatus, likewise Egbert's Answer XV. A.D. 734; Decret. Lib. I. Tit. XX. Ayliffe 403; Devoti Inst. Lib. I. Tit. VII. § 6.

(262). Innocent, A.D. 410, *Ibid.* c. 6; but not if it was accidental. Stephen v. *Ibid.* c. 11.

(263). Apost. Can. 78.

(264). Concil. Tolet. XI. Can. 13, A.D. 675, ap. Gratian I. Dist. XXXIII. c. 3; Nicolaus *Ibid.* c. 4; Gelasius, A.D. 494, *Ibid.* c. 5, bases the prohibition on the ground that such seizures arise from demoniacal possession. Concil. Aurel. III. A.D. 538, Can. 6, forbids him to be ordained who is a dwarf (semus corpore) or liable to seizures (qui publice aliquando arreptus est). Egbert's Excerpt 83, A.D. 740, quotes Concil. Araus. A.D. 441, Can. 16: Those who are liable to public seizures are not only not to be admitted to any clerical order, but if they are ordained to be repelled from office.

(265). Concil. Tribur. A.D. 895, ap. Gratian I. Dist. LV. c. 10, unless it

or mutilation ([266]), the result of a surgical operation or inflicted by an enemy ([267]), are not disqualifications, neither is leprosy for one exclusively serving a lepers' church ([268]), but the loss of an eye is ([269]). Formerly it was necessary to be full twenty-four years of age before being admitted to the diaconate ([270]), and to have entered on the thirtieth year before admission to the presbyterate ([271]). Since the ninth century these requirements have been reduced ([272]), and now, according to the Third Lateran Council, it is sufficient to be more than twenty-two for admission to the diaconate, to be full twenty-four before admission to the presbyterate, and to be full thirty before admission to the episcopate ([273]). For minor orders there is no fixed age, and the tonsure may even be given to children ([274]).

requires him to use a staff. *Ibid.* III. Dist. l. c. 57, which is forbidden at the oblation. See *Eucharist*, § 11.

(266). Concil. Nic. A.D. 325, *Ibid.* c. 7; Concil. Martini, A.D. 572, Can. 21, *Ibid.* c. 9.

(267). Apost. Const. 21, *Ibid.* c. 8, and authorities in notes 261 and 266.

(268). Concil. Westminster A.D. 1200, Can. 13: Wherever there are so many lepers together as can build a church with a churchyard, and have a proper priest, let them be allowed so to do.

(269). Pelagius, A.D. 555, ap. Gratian I. Dist. LV. c. 13: The Eastern Church, represented by Apost. Can. 77, says the contrary.

(270). Concil. Carthag. III. Can. 4, A.D. 397, ap. Gratian I. Dist. LXXVII. c. 5: Under twenty-five years of age let neither deacons be ordained nor virgins consecrated. Concil. Agath. A.D. 506, Can. 16, *Ibid.* c. 6; Concil. Tolet. IV. A.D. 633, Can. 20, *Ibid.* 7; Theodori Poenit. I. IX. 10, A.D. 673, in H. & S. III. 185: It is not lawful to ordain the child of a monastery [a deacon] before he is twenty-five years old. Egbert's Excerpt 91 and 95, A.D. 740.

(271). Concil. Neocaesar. Can. 11, A.D. 314, ap. Gratian I. Dist. LXXVIII. c. 4, fixes thirty for a presbyter. Concil. Aurel. III. A.D. 538, Can. 6; Concil. Arelat. IV. A.D. 524, Can. 1; Concil. Tolet. IV. A.D. 633, Can. 20; Concil. Trull. A.D. 691, Can. 14; also Concil. Martini. A.D. 572, Can. 20; and Boniface, *Ibid.* c. 1.

(272). Zaccharias, *Ibid.* c. 5, allows a presbyter to be twenty-five in case of necessity.

(273). Concil. Lat. III. A.D. 1179, Can. 2, in Decret. Lib. I. Tit. VI. c. 7; Boniface VIII. in Sext. Lib. I. Tit. X. Canon 34 of 1603 fixes the age for a deacon at twenty-three, and for a presbyter at twenty-four years complete, and this age is also required by 44 Geo. III. c. 43, sec. 1.

(274). Concil. Tolet. II. A.D. 531, Can. 1: Touching those whom the

46. It is a necessary qualification for orders to be a person of right faith and approved life (275). Hence a convert from heresy may not be ordained unless his heresy was involuntary (276). To be of approved life the candidate for orders must (1) be innocent of any enormous crime, whether committed before or after baptism, such as bloodguiltiness (277), directly (278)

will of parents has devoted to the clerical office from the earliest years of infancy, we decree that as soon as they have received the tonsure, or have been advanced to the office of reader, they be instructed in the house of the Church by their provost under the bishop's eye. When they have completed their eighteenth year, let their intention in regard to marriage be inquired into by the bishop in presence of the whole clergy and people. Let those to whom, by God's inspiration, the grace of chastity is well pleasing, first be admitted to the ministry of the subdiaconate after the twentieth year of their probation is reached. Boniface VIII. in Sext. Lib. I. Tit. IX. c. 4, forbids the first tonsure to be given to a child unless he enter a religious house. Theodori Poenit. I. VIII. 14, A.D. 673, in Haddan and Stubbs III. 184: Basil held that a boy [consecrated to religion] might marry before his sixteenth year, even if he had previously been a monk. Devoti Lib. I. Tit. IV. § 15.

(275). Augustin ap. Gratian Caus. I. Qu. l. c. 87: That any one may be a true priest he must be such, not only by the sacrament [of order], but also be clothed with righteousness. Concil. Chelsea A.D. 787, Can. 6: That no bishop ordain a priest or deacon unless he be of approved life.

(276). Concil. Elib. A.D. 305, Can. 51: No one coming from any heresy may be advanced to the clergy. Can. 22 distinguishes wilful heresy from heresy of birth, and awards to the former ten years' suspension. Ambros. ap. Gratian Caus. I. Qu. l. c. 18: The law of our Church is that those baptized in heresy should be admitted to lay communion by the imposition of hands, and that no one of them should be advanced even to the lowest degree of order.

(277). Augustin ap. Gratian Caus. XXXIII. Qu. III. Dist. l. c. 23; Decret. Lib. V. Tit. XII. c. 1, 10, 20, 6, and Tit. XIV. c. 2.

(278). Apost. Can. 66: If any one of the clergy strike one in a quarrel and kill him by one stroke let him be deprived. Nicolaus, A.D. 864, ap. Gratian I. Dist. l. c. 5, 6, and 39: A clergyman who has slain a pagan may not be advanced to any higher order. John VIII. *Ibid.* c. 4: [One who has killed another] ought to be deprived of the priesthood, with a fount of tears to wash out so great an offence. Egbert's Excerpt 154–156, A.D. 740; Alfred's Law 12, A.D. 877: If a priest slay another man, let all that he has purchased with his habit be seized, and let the bishop degrade him.

or indirectly (279) committed, self-mutilation (280), unnatural crime (281), rape (282), perjury (283) or forgery (284); (2) he must be free from any known vicious or evil habit (285); (3) he must suffer from no defect of reputation (286), either general or canonical. Open inquiry must always be held to ascertain the facts of the case (287), which is now usually done by publicly reading a notice called a *Si quis*.

Cnut's Law 12, A.D. 1018: If an altar-thane be a manslayer . . . let him suffer the loss of his orders.

(279). Concil. Tolet. I. A.D. 400, Can. 8 ap. Gratian I. Dist. LI. c. 4: If any one has undertaken military service after baptism, and taken the [soldier's] cloak or girdle for killing the faithful, although he have never committed deeds so serious, let him not receive the dignity of the diaconate. Concil. Tolet. XI. A.D. 675, Can. 6 ap. Gratian Caus. XXIII. Qu. VIII. c. 30: Those by whom the Lord's sacraments are handled may not intermeddle in a cause of blood. Concil. London, A.D. 1175 Can. 3; Const. 8 Langton, A.D. 1222; Concil. Ilerd A.D. 523, Can. 1, *Ibid.* I. Dist. L. c. 36: Clergy who are engaged in a siege should remember that they who touch the Lord's Body or Blood, or handle the vessels belonging to the sacred office, should refrain from all bloodshed, including that of enemies. If they have been involved in it, let them for two years be suspended from office and communion. Soldiers' Penances, A.D. 1072; Urban II. *Ibid.* c. 37: He killed the boy by a mistake with a stone: out of kindness to you we allow him to remain in office. Lynd. 29.

(280). Concil. Nic. A.D. 325; Apost. Can. 22 ap. Gratian I. Dist. LV. c. 4; Concil. Arelat. II. Can. 7, *Ibid.* c. 5; Innocent, A.D. 410, *Ibid.* c. 6.

(281). Concil. Elib. A.D. 305, Can. 30: Those ought not to be ordained subdeacons who in their youth have been guilty of adultery, lest afterwards they should be surreptitiously promoted to a higher order. According to Duchêsne, p. 341, the candidate at Rome was required to make oath that he had never been guilty of sodomy, bestiality, adultery, or the rape of a consecrated virgin; but adultery before baptism was not a disqualification.

(282). See § 53.

(283). Ep. Zachar. ad Bonifac., p. 215; Wilkins I. 85: Lingard's Anglo-Saxon Church II. 18.

(284). Const. 1 Reynolds, A.D. 1322.

(285). Titus I. 6, 7; 1 Tim. III. 2; Concil. Nic. A.D. 325, Can. 2 and 9: Innocent III. in Decret. Lib. I. Tit. IV. c. 10; Lacy's Pontifical, p. 77: We forbid any one to seek ordination who is conscious of mortal sin, or excommunicate, or suspended.

(286). Ayliffe, 403.

(287). The practice at Rome was to present the candidates publicly to

47. Defects of general or canonical reputation include being born out of wedlock (288), being a slave or the son of a slave (289) unless with his lord's consent, or the son of a presbyter (290), having been engaged in usury (291) or other unlawful trade (292)

the people on the Wednesday and Friday before the ordination. A notary then made publication: We have elected N. to be deacon to such a title. If any one knows aught against him let him for God's sake come forward and faithfully declare it, but let him be mindful of his own communion. Duchêsne 340. Concil. Clovesho, A.D. 747, Can. 6: That bishops ordain no clerk to the degree of a presbyter till they first make open inquiry into his former life, and into his present probity of manners and knowledge of the faith. *Ibid.* Can. 24: If any secular desire to enter into the service of the holy profession, let him not receive the tonsure before his conversation and moral qualification be clearly tried. Const. 6 Otho, 1237: Let the number and names of the approved be written down, and let such as are written down be afterwards, at the beginning of the ordination, called over, by reading the list with a careful distinction.

(288). Const. 37 Edmund, A.D. 1237, quoted note 237. Const. 6 Otho, A.D. 1237; Lynd. 26; Devoti Inst. Lib. I. Tit. VII. § 13 observes that this incapacity is not of earlier date than the time of Urban II., A.D. 1095, who enforces it ap. Gratian I. Dist. LVI. c. 1. It is mentioned also by Innocent III.; but see Methodius' Banquet of the Virgins, Dist. II. c. 3.

(289). Concil. Elib. A.D. 305, Can. 8: Freedmen whose patrons are in the world may not be promoted to the clergy. Leo, Epist. 1 ap. Gratian I. Dist. LIV. c. 1; Gelasius *Ibid.* c. 12, and Dist. LXXVIII. c. 8. According to Novel. 123, *Ibid.* I. Dist. LIV. c. 20, slaves by being ordained become free. Hence the ordination of a slave would be a wrong done to his master. See *Baptism*, § 34. Concil. Tribur. A.D. 895, *Ibid.* c. 2; Decret. Lib. I. Tit. XVIII.; Const. 16 Clarendon, A.D. 1164, forbids the ordination of sons of villagers (villani) without the lord's consent, following Concil. Aurel. V. A.D. 549, Can. 6.

(290). Apost. Can. 76: According to authorities ap. Gratian I. Dist. LVI. this applies only to sons begotten during the tenure of the presbyterate. Pope Damasus was the son of a presbyter. Concil. Tolet. IX. Can. 10, A.D. 655, *Ibid.* Caus. XV. Qu. VIII. c. 3 constitutes such offspring slaves of the Church. Alexander III. to Bishop of Lincoln in Decret. Lib. I. Tit. XVII. c. 2 forbids a son to succeed his father in any office. Likewise Const. 17 Otho, A.D. 1237; Const. 22 Peckham, A.D. 1281, Lynd. 45, 46.

(291). Concil. Elib. A.D. 305, Can. 20: If any clergy are discovered to be usurers let them be deposed and excommunicated. Gregory ap. Gratian I. Dist. XLVII. c. 4.

(292). See *Eucharist*, § 23, note 272.

being generally defamed (293) or a public penitent (294), holding (295) or being liable to serve civil offices incompatible with holy orders (296), being guilty of bigamy (297), either by being the husband of a second wife (298) or of a

(293). Concil. Tolet. IV. A.D. 633, ap. Gratian I. Dist. LI. c. 5.

(294). Origen contra Celsum III. 51; Concil. Nic. A.D. 325, Can. 9; Concil. Tolet. I. A.D. 400, ap. Gratian I. Dist. l. c. 68: It is resolved that penitents be not admitted to the clergy unless necessity or custom require otherwise. § 2: We call him a penitent who after baptism has done public penance for homicide, or for some other very grave crime, and been reconciled to the altar under the Divine sackcloth. Stat. Eccl. Ant. A.D. 505, Can. 68, *Ibid.* c. 55: Let not a clergyman be ordained from among penitents, however good he may be. Innocent *Ibid.* c. 60: The canons passed at Nicaea exclude penitents even from the lower orders. Concil. Rom. A.D. 465, Can. 3, *Ibid.* I. Dist. LV. c. 3; Concil. Agath. A.D. 506, Can. 43; Concil. Gerund. A.D. 517, Can. 9: If he have not publicly in Church submitted his head to penance. Concil. Epaon. A.D. 517, Can. 3; Concil. Aurel. IV. A.D. 524, Can. 3; Concil. Aurel. III. A.D. 538, Can. 6; Concil. Martini A.D. 572, Can. 23; Gregory ap. Gratian I. Dist. XXXIV. c. 10; Egbert's Qu. XV. A.D. 734.

(295). Innocent ap. Gratian I. Dist. LI. c. 1 pronounces military men and forensic pleaders disqualified for orders.

(296). Socrates II. 41 relates that the emperor refused to exempt from civil offices those bishops against whom he was incensed. Innocent, A.D. 410, ap. Gratian I. Dist. LI. c. 2; Gelasius *Ibid.* I. Dist. LV. c. 1, and I. Dist. LXXVII. c. 8; Gregory *Ibid.* I. Dist. XXXIV. c. 10, and LIII. c. 1.; Concil. Tolet. IV. A.D. 633, *Ibid.* I. Dist. LI. c. 5; Egbert's Qu. XV. A.D. 734: Disengaged from all obligation of bearing civil offices. In the Frankish kingdom no one might be ordained without the king's permission.

(297). Concil. Elib. A.D. 305, Can. 34, forbids a layman to baptize who is bigamous. Concil. Valent. A.D. 374, Can. 1: After this synod no one who has been twice married or who has married one married before may be ordained. Apost. Const. VI. 17; Concil. Aurel. III. A.D. 538, Can. 6; Can. Hispal. II. A.D. 619, Can. 4; Can. 8 Elfric. A.D. 957: That he who marries a widow or divorced wife, or he that marries a second time, be never afterwards admitted to any order or hallowed to priest. Leo IX. A.D. 1054, ap. Gratian I. Dist. XXXII. c. 14, says that bigamy in the three senses named disqualifies for the subdiaconate, and therefore ought not to be allowed to the orders below.

(298). Tertullian ad Uxor. c. 7: How detrimental to faith second marriages are the discipline of the Church and the apostle's prescription [1 Tim. II. 1; Titus I. 6] disclose, when he suffers not men twice married

widow ([299]) or of a divorced woman ([300]), having received clinical baptism ([301]), and being the subject of the iteration of the sacraments either of baptism ([302]) or confirmation ([303]).

48. Want of knowledge is a further disqualification for orders ([304]), since one who is unlearned is unable to teach others; and this is equally true whether the defect arise from

to preside over a church. Hippolyt. Haer. IX. 7: About the time of this man [Calixtus, A.D. 220] bishops, presbyters, and deacons who had been twice married and thrice married began to be allowed to retain their place among the clergy. Apost. Can. 17: He who has been twice married after his baptism . . . cannot be made a bishop, a presbyter, or a deacon. Stat. Eccl. Ant. Can. 69, A.D. 505, ap. Gratian I. Dist. l. c. 55; Siricius, A.D. 385, *Ibid.* c. 56; Innocent *Ibid.* I. Dist. XXVI. c. 3; Hieronym. *Ibid.* c. 1; Augustin *Ibid.* c. 2; Ambros. *Ibid.* I. Dist. XXXIV. c. 14; Concil. Gerund, A.D. 517, Can. 8 *Ibid*, c. 8: If any of the laity have known a woman after his wife, let him be by no means admitted to orders. Gelasius *Ibid.* I. Dist. l. c. 59; Gregory *Ibid.* I. Dist. XXXII. c. 2; Egbert's Excerpt. 32, A.D. 740. Decret. Lib. I. Tit. XXI., and Lib. III. Tit. III. c. 9.

(299). Apost. Can. 18: He who has taken a widow or a divorced woman, or an harlot, or a slave-girl, or one belonging to the theatre, cannot be either a bishop, presbyter, or deacon. Hilary ap. Gratian I. Dist. XXXIV. c. 9; Innocent *Ibid.* c. 13; Concil. Martini, Can. 26, *Ibid.* c. 18; Siricius *Ibid.* I. Dist. LXXXIV. c. 5; Theodori Poenit. I. IX. 10, A.D. 673, in H. & S. III. 185: If any one marry a widow, either before or after baptism, he cannot be ordained, just as the bigamist cannot. This is recognised by 4 Ed. I. St. III. c. 5, A.D. 1276.

(300). Apost. Can. 18; Apost. Const. VI. 17; Concil. Neocaesarens. A.D. 314, Can. 8 ap. Gratian I. Dist. XXXIV. c. 11; Gelasius ap. Gratian I. Dist. LXXVII. 8.

(301). Cornelius in Euseb. VI. 43; Concil. Neocaesar. A.D. 314, Can. 12; Concil. Paris VI. A.D. 829, Can. 8.

(302). Concil. Carthag. V. A.D. 401, ap Gratian I. Dist. l. c. 65: It is not permitted for rebaptized persons to be admitted to clerical order. Theodori Poenit. I. X. 1, *Ibid.* III. Dist. IV. c. 117: Those who have been twice baptized in ignorance cannot, according to the canons, be ordained.

(303). Const. 2 Reynolds, A.D. 1322.

(304). Zosimus, A.D. 418, ap. Gratian I. Dist. XXXVI. c. 2; Hilarius, A.D. 465, *Ibid.* I. Dist. LV. c. 3; Augustin *Ibid.* Caus. VIII. Qu. l. c. 11; Hieronym. *Ibid.* c. 15; Symmachus, A.D. 500, *Ibid.* Caus. 1, Qu. l. c. 45: He who is advanced in honour must be regarded as most vile, unless he is distinguished for knowledge and holiness. Concil. Clovesho A.D. 747, Can. 10, requires "presbyters to know how to perform every

ignorance of letters generally ([305]), of the canons ([306]), or of Scripture ([307]).

office belonging to their order. And let them who know it not learn to construe and explain in our own tongue the creed and Lord's prayer, and the sacred words which are solemnly pronounced at the celebration of mass and in the office of baptism. Let them also take care to learn what the sacramental signs (sacramenta) which are visible in the mass, baptism and other ecclesiastical offices, do signify, lest they be found dumb and ignorant in those intercessions which they make to God." By 9 Ed. II. St. I. c. 13, A.D. 1315, the examination of sufficient knowledge belongs to the spiritual judge, and herein, says Coke 2, Inst. 631, he is a judge and not a minister. See above, § 34.

(305). Stat. Eccl. Ant. Can. 16, A.D. 505, ap. Gratian I. Dist. XXXVII. c. 1, forbids the reading of heathen books from desire to imitate them. Hieronym. *Ibid.* c. 2–6, forbids the reading of heathen comedies and such like. Ambrosius, however, *Ibid.* c. 10, requires grammar to be studied for the understanding of Scripture. Gelasius *Ibid.* I. Dist. LXXVII. c. 8, requires a candidate to be disciplinis ministerialibus eruditus. For without knowledge of letters he would not be fit to hold even a doorwarden's place. Concil. Aurel. II. A.D. 533, Can. 16: A presbyter or a deacon without letters, or one who knows not the order of baptizing, let him not be in order (ordinetur). Concil. Narbon. A.D. 589, Can. 11, forbids any one to be ordained who cannot read, and directs him to be put in a monastery to learn. Baeda ap. Gratian I. Dist. XXXVII. c. 8, says it blunts the intelligence to forbid the study of secular literature. Decret. Lib. I. Tit. XIV. c. 15, orders a bishop to be deprived who is ignorant of grammar.

(306). Concil. Carthag. III. A.D. 397, Can. 3: Bishops or clergy about to be ordained ought first to have the decrees of councils read over to them, lest they should have to repent of having contravened them in any way. Coelestin. A.D. 429, ap. Gratian I. Dist. XXXVIII. c. 4: No priest [*i.e.*, bishop] may be ignorant of the canons, nor do anything contrary to the rules of the fathers. Concil. Tolet. IV. A.D. 633, Can. 25: Ignorance is the mother of all errors. . . . Therefore presbyters must know Holy Scripture and the canons, that their whole work may consist in preaching and teaching.

(307). Hieronym. ap. Gratian I. Dist. XXXVIII. c. 6: Ignorance of the Scriptures is ignorance of Christ. Augustin *Ibid.* c. 11, 12, 14: The expressions of Holy Scripture must be taken according to the language in which the several books were written. For every language has its own peculiarities of diction which, when translated into another tongue, seem absurd. Pseudo-Isidor. *Ibid.* c. 8: As the stars of heaven are not put out by the darkness of night, so the minds of the faithful cleaving to the firmament of Holy Scripture are not darkened by the iniquity of

49. Every candidate for orders must likewise have a proper election or title, by which is meant that he must have received a mandate to act for some recognised Church or spiritual foundation, which has in return undertaken to provide him with a maintenance (308). Formerly ordination without a title was ordered to be annulled (309), but since the twelfth century it only obliges the ordaining bishop to maintain the person ordained until he has provided him with some benefice (310),

the world. *Id. Ibid.* c. 16 : No bishop because of his age or station should be above learning from the youngest or the least instructed. Concil. Arelat. A.D. 813, Can. 3 ap. Labbé VII. 1235 : Let priests, therefore, know the Holy Scriptures and the canons.

(308). Coelestin. A.D. 431, Epist. IV. to bishops of Gaul, c. 2, complains of bishops being ordained without attachment. Concil. Chalcedon A.D. 451, Can. 6 ap. Gratian I. Dist. LXX. c. 1 : Let no one be ordained without an attachment (ἀπολελυμένως), neither presbyter, deacon, nor any one in the order of the clergy. Concil. Chelsea A.D. 787, Can. 6 : Let a presbyter continue in that title to which he was blessed, so that none presume to receive a presbyter or deacon from the title that belongs to another. Concil. London, A.D. 1126, Can. 8 : Let none be ordained presbyter or deacon, but to some certain title ; if he be, let him not enjoy the honour of his order.

(309). Concil. Chalcedon A.D. 451, Can. 6 : As regards those who are ordained without attachment (ἀπολύτως), the holy synod has determined that such an ordination is to be held unratified (ἄκυρον ; elsewhere the ratification, τὸ δὲ κύρος, belongs to the metropolitan), and cannot have any effect [to give a position in the Church], because of the contempt of him who ordains. Concil. Placent. A.D. 1095, ap. Gratian I. Dist. LXX. c. 2 : We decree, in conformity with the statutes of the holy canons, that an ordination made without title shall be a nullity (irritam). Concil. Westminster A.D. 1125, Can. 8 : Innocent III. A.D. 1198, in Decret. Lib. III. Tit. V. c. 16 : Although our predecessors declared ordinations made without a title to be null and void (irritas atque inanes), we, taking a milder view, decree, &c. Concil. Westminster A.D. 1200, Can. 6.

(310). Liber canonum in Decret. Lib. III. Tit. V. c. 2 : A bishop may not ordain clergy without giving them a maintenance ; but let him choose one of two things : either let him not ordain or let him find the means of living. Concil. Lat. III. Can. 5, A.D. 1179. *Ibid.* c. 4 : If a bishop ordain any one without a certain title, let him maintain the clerk until he can make a clerical provision for him in his own Church. Concil. Westminster A.D. 1200, Can. 5, repeats this. Innocent III. in Decret. Lib. I. Tit. XIV. c. 13, and Lib. III. Tit. V. c. 16, obliges the bishop's successor to maintain him

unless the person ordained has a sufficient patrimony of his own (311).

50. There is a difference, nevertheless, between disqualifications. Some are relative and can be cured by time or study, such as want of age or knowledge; others are absolute and can never be cured, such as mental imbecility. Some are of human creation, allowed out of deference to the prejudices of the times, and can be dispensed with, such as being the son of a slave or a priest; others, which are necessary for the exercise of order, cannot be dispensed with. A dispensation is rarely given in case of homicide. It may not be given in cases of simony (312), unless the person ordained was himself innocent of the simony (313), and it cannot be given in cases of madness or imbecility (314), because without a sufficient cause no dispensation avails. For minor orders dispensations may be granted by the bishop who has jurisdiction (315), but unless the disqualifications are of provincial creation, a dispensation can only be given for holy orders by the collective Church in synod, or through its patriarchal representative (316).

Clerical Irregularity.

51. As certain things disqualify for admission to holy orders, so the same things if found in those already ordained or subsequently incurred disqualify for the exercise of order, on the ground that the dignity of the sacred ministry forbids one who has been ordained against the rules of the Church, or who has

until he provides him with a title. Const. 6. Otho, A.D. 1237; Can. 33 of 1603; Ayliffe, 401, 403.

(311). Pseudo-Hieronym. ap. Gratian Caus. XVI. Qu. I. c. 68, § 2: Those clergy ought to be supported out of the revenues of the Church who have no assistance from parents or relatives; but those whose parents or relatives can support them commit sacrilege if they receive what belongs to the poor.

(312). Gratian Caus. I. Qu. I. c. 8, 107, 109; Qu. VII. c. 2.

(313). *Ibid.* c. 108.

(314). Devoti Inst. Lib. I. Tit. VII. § 17.

(315). Boniface VIII. in Sext. I. Lib. I. Tit. XI. c. 1.

(316). *Id. Ibid.*

himself transgressed the rule of life of Christians in general, or of the clerical estate in particular, to exercise his office (317) until he has put himself right with God and the Church. Such persons are said to be irregular, and the disqualifying circumstance, which may not be a sin at all, is called an irregularity. An irregularity may therefore be defined to be a canonical

(317). Concil. Nic. A.D. 325, Can. 9: Whoever have been promoted to be presbyters without examination, or, having been examined, have confessed their sins, and yet men acting contrary to the canon have laid hands on them, such as these the canon does not admit of. For the Catholic Church justifies only that which is blameless. Apost. Can. 18 and Concil. Martini ap. Gratian I. Dist. l. c. 8. Siricius, A.D. 385, *Ibid.* c. 56, decrees respecting such as contrary to rule (indebite), and without proper qualification (incompetenter) have crept into the sacred militia, that they are to esteem it a great kindness to be allowed to remain in their present degree without hope of advancement. Ambros. *Ibid.* Caus. XXXIII. Qu. III. Dist. l. c. 56, § 2: No one involved in sins ought to arrogate to himself authority over the exercise of the sacraments. Theodori Poenit. I. X. 1 in H. & S. III. 185: Such as have been in ignorance twice baptized cannot, according to the canons, be ordained, unless some urgent necessity require it. Pseudo-Isidor. ap. Gratian Caus. VI. Qu. l. c. 17: We call those persons of ill-repute who, for some fault, are branded with ill-repute, *i.e.*, all who throw aside the rule of Christian law, and despise the statutes of the Church; likewise thieves, sacrilegious persons, and all involved in capital offences, robbers of the dead, those intentionally violating the rules of the fathers, . . . those guilty of incest, murder, perjury, rape, poisoning, or adultery, runaways in warfare, those who hold discreditable posts or unjustly withdraw the property of the Church, those who slander others, or make accusations without proving them, or who stir up the ill-will of princes against the innocent, all those anathematised for their crimes, and all whom the laws of the Church and the world pronounce infamous. Egbert's Excerpt. 32, A.D. 740, and Elfric Can. 8, A.D. 957. Const. Edmund, A.D. 1236: We conceive them to be irregular who have committed murder, or have been advocates in causes of blood, simoniacs, transactors of simoniacal bargains, and who knowingly received orders from such as were under that blemish, or that were ordained by schismatics, heretics, or such as were excommunicated by name, such as have been twice married, or married to such as were not virgins, corrupters of nuns, excommunicates, such as get orders by stealth, sorcerers, burners of Churches, and such like. Gratian I. Dist. XXXIII.; Lacy's Pontifical 77; Craisson, § 1742.

disability ([318]), which either (1) hinders the reception of order, or (2) hinders the exercise of order, or (3) excludes from office in the Church, not rendering the reception and exercise of order void and a nullity, but rendering the person who is knowingly guilty of such reception and exercise spiritually criminous.

52. An irregularity may arise from one of two causes: (1) from a fault which is not the individual's fault, in which case it is called a defect, or (2) from a fault which is his own, such as disobedience to a rule of the Church, or conduct rendering impossible the exercise of his order. The latter is called a crime ([319]). To constitute an irregularity of the latter kind, however, a crime must be (1) enormous, (2) a crime of actual commission and not of intention only ([320]), and (3) be publicly known, and a source of scandal ([321]), since one who has been publicly accepted by the Church as a righteous man of availing prayer does not cease to be representatively such until unrighteousness has, with equal conclusiveness, been brought home to him.

53. All the canonical disqualifications for the reception of orders arising from defects are disqualifications for their exercise also, and are causes of irregularity; such as defects (1) of mind, (2) of body, (3) of birth, (4) of age, (5) of reputation, notably having exercised a calling held to be degrading in public esteem, such as that of actor, butcher, or publican ([322]), (6) of civil position, (7) of lenity, and (8) of baptism. Disqualifications which arise from mortal sin are

(318). Lynd. 28: Quoddam impedimentum proveniens ex constitutione canonica.

(319). Isidore de Offic. II. 5, 17: If a bishop or a presbyter is guilty of mortal sin, the execution of his office is withdrawn. Both disobedience and evil conduct are called crimes in Const. 3 Edmund, A.D. 1236; Const. 5 Thoresby, A.D. 1363.

(320). Concil. Lugdun. A.D. 1245, in Sext. Lib. II. Tit. XIV. c. 1; Lynd. 74, 155: In penal matters, in order to incur a penalty, it is not enough that the act be begun, it must also be completed.

(321). Lynd. 29.

(322). Concil. Vien. A.D. 1311, in Clem. Lib. III. Tit. l. c. 1; Lynd. 169.

not, however, always causes of irregularity, but only those which have been declared to be such by the general law of the Church ([323]). These include (1) the iteration of baptism or confirmation, which if knowingly done renders both the baptizer and the baptized irregular ([324]); (2) heresy ([325]); (3) the usurpation or pretended exercise of order by one who does not possess it ([326]); (4) obtaining orders improperly, as by stealth ([327]), at a bound ([328]), by a married man without his wife's consent ([329]), or from an excommunicated bishop ([330]); (5) killing ([331]) or maiming ([332]) another; (6) violating a censure by officiating when suspended ([333]) or excommunicated by sentence of law or a judge ([334]); and (7) infamy arising from being

(323). Gregor. VIII. in Sext. Lib. V. Tit. XL. c. 28.

(324). See note 302. Const. 2 Reynolds, A.D. 1322.

(325). Ambros. ap. Gratian Caus. I. Qu. 1. c. 18, quoted above, note 276.

(326). Honorius III. in Decret. Lib. V. Tit. XXVIII. c. 1; Const. 4 Thorsby, A.D. 1363.

(327). Alexander III. in Decret. Lib. V. Tit. XXX. c. 1; Lacy's Pontifical, p. 77. Const. 4 Thorsby, A.D. 1363.

(328). Innocent III. in Decret. Lib. V. Tit. XXIX.

(329). John XXII. in Extrav. Com. Tit. VI.

(330). Urban II. ap. Gratian Caus. IX. Qu. 1. c. 4.

(331). Innocent, A.D. 404, *Ibid.* 1 Dist. LI. c. 1, and Caus. XXIII. Qu. VIII. c. 2; Ambros. *Ibid.* c. 3; John VIII. *Ibid.* 1 Dist. L. c. 4; Can. 20 Dunstan, A.D. 963: If a bishop or a mass-priest kill a man, let him forfeit his order, and ever earnestly make satisfaction. Const. 1 Edmund, A.D. 1236. Lynd. 29.

(332). Innocent I. ap. Gratian I. Dist. LV. c. 6; Innocent III. in Decret. Lib. V. Tit. XII. c. 18.

(333). Innocent, A.D. 416, *Ibid.* I. Dist. LXXXII. c. 2: Gregory IX. in Decret. Lib. V. Tit. XXVII. c. 9: Because during the time of suspension you celebrated divine service in ignorance thereof, probable ignorance excuses you. Concil. Lugdun. II. A.D. 1274, in Sext. Lib. V. Tit. XI. c. 1; Const. 1 Peckham, A.D. 1279; Lynd. 27, 114, 120, 124. As to what is understood by officiating, see Craisson, § 1790. The Roman College ruled, 19th July 1704 and 11th Sept. 1717, that no irregularity is incurred in disregarding a censure, valid in the outer forum, but a nullity before God.

(334). Const. 3 Peckham, A.D. 1279: Being *ipso facto* suspended, you have performed your offices, . . . and have thereby incurred an irregularity. Const. 5 Winchelsea, A.D. 1305: If any priest presumes to officiate

judicially convicted of falsification, perjury (335), sorcery, arson, rape of a consecrated virgin (336), or unnatural crime (337).

54. The gentleness or lenity required of the clergy forbids them to be concerned indirectly as well as directly in any matter involving the loss of life or limb to another. Hence they not only become irregular if they have actually slain a human being with intent to kill him (338), but also if they have been in any way concerned in taking life, as judges or legislators (339), as advocates or clerks in court (340), or by having performed a surgical operation if death supervenes (341). If homicide was purely accidental whilst they were otherwise lawfully employed, they do not become irregular (342), nor if

contrary to this prohibition, let him incur an irregularity. Const. 4 Thorsby, A.D. 1363, declares a priest irregular who pretends to give absolution from the greater crimes.

(335). Concil. Agath. A.D. 506, ap. Gratian I. Dist. l. c. 7, names falsification and false witness. Lynd. 114.

(336). Concil. Westminster, A.D. 1200, Can. 7: Let a general excommunication be yearly denounced against sorcerers, such as are foresworn, incendiaries, violent ravishers.

(337). Concil. Westminster, A.D. 1102, Can. 28: If any ecclesiastical person be guilty of sodomy . . . let him be degraded from that order in which he is.

(338). Can. Apost. 17; Concil. Ancyr. A.D. 314, Can. 21; Concil. Brac. II. A.D. 572, Can. 26, ap. Gratian I. Dist. l. c. 8: If he is conscious of homicide, either by act, by command, by counsel, or by self-defence. Alexander III. to Bishop of Exeter in Decret. Lib. V. Tit. XII. c. 6; Innocent III. *Ibid.* c. 18. See note 331.

(339). Minucius Felix circa, A.D. 200, c. 30: To us it is not lawful either to see or to hear of homicide. Alexander III. in Decret. Lib. V. Tit. XVII. c. 4; *Id.* to Archbishop of Canterbury, *Ibid.* Lib. III. Tit. l. c. 5; Concil. Lat. IV. A.D. 1215, Can. 18, *Ibid.* c. 9.

(340). Const. 9 Langton, A.D. 1222; Decret. Lib. V. Tit. XII. c. 11 and 18; Tit. XV. c. 2, and Tit. XXXI. c. 10; Sext. Lib. V. Tit. IV. c. 2; Clem. Lib. IV. Tit. IV.: Hence when the statute 11 Ric. II. c. 1 was passed in 1387, attainting the Archbishop of York and others of high treason, the Lords Spiritual withdrew from Parliament. Lynd. 269, 270; Lacy's Pontifical, p. 77.

(341). Concil. Turon. A.D. 1065, in Decret. Lib. III. Tit. l. c. 10; Innocent III. *Ibid.* Lib. V. Tit. XII. c. 19.

(342). Concil. Ancyr. A.D. 314, Can. 22; Concil. Brac. II. A.D. 572, ap.

it was done in self-defence without recourse to unnecessary violence (343). Nor does the contravening of a sentence of excommunication constitute irregularity, unless it was a sentence of the greater excommunication (344).

55. Irregularities may cease in one of four ways: (1) by baptism, which takes away all previous faults and offences whatsoever; (2) by the lapse of time, or study, or absence, as in the case of one too young, or too unlearned, or who has publicly admitted some crime short of the denounced crimes; (3) by entering a religious order; or (4) by a dispensation (345). A bishop is not qualified to grant such a dispensation, except in a few cases (346), or when the cause of the irregularity is not publicly known. In other cases it must come from the whole Church or the greater metropolitan as its proper representative (347).

Gratian I. Dist. l. c. 44; Alexander III. in Decret. Lib. V. Tit. XII. c. 7; *Id.* to Bishop of Exeter, *Ibid.* c. 9; Honorius III. to Archbishop of York, *Ibid.* c. 22; Concil. Vien. A.D. 1311, in Clem. Lib. V. Tit. IV. See *Crimes*, and Clem. III. in Decret. Lib. I. Tit. XIV. c. 7.

(343). Unknown author ap. Gratian I. Dist. l. c. 38; Poenit. Rom. in Decret. Lib. V. Tit. XII. c. 2; Innocent III. *Ibid.* c. 18.

(344). Innocent III. in Decret. Lib. V. Tit. XXVII. c. 10: If one celebrate whilst under sentence of the lesser excommunication, although he sins grievously, yet he does not thereby incur the stain of irregularity.

(345). Const. 37 Edmund, A.D. 1236; Alexander III. in Decret. Lib. III. Tit. III. c. 4; Lynd. 28, 114; Ayliffe 219.

(346). Concil. Brac. II. A.D. 572, ap. Gratian I. Dist. l. c. 22. Lynd. 27 says he must have the intention to dispense, and not be acting in ignorance. Decret. Lib. I. Tit. XVII. c. 5, and Lib. V. Tit. XXVII. c. 10; Lib. II. Tit. I. c. 4, mention the cases in which a bishop can dispense. Stephen's Eccl. Stat. p. 167: By secret sin is understood one which it has not been sought to establish contentiously. Craisson, § 1840.

(347). In this country the archbishop.

VI.

PRIVILEGES AND DUTIES OF ORDER.

Privileges of Order.

1. Every step or degree in order carries with it its own privileges, and also entails its own duties in the Church. These privileges and duties are partly temporal, partly spiritual. Temporal privileges and duties depend upon the laws of each particular community, and the degree in which the Church is favoured by the State and allowed by it to exercise coercive jurisdiction. Spiritual privileges and duties depend upon the law of the Church.

2. Formerly the temporal privileges of order were large, and extended both to the persons and property of the clergy (1).

(1). Lynd. p. 68 enumerates fourteen privileges as enjoyed by the clergy in his time, A.D. 1429 : (1) they may not be convened before a secular judge, Decret. Lib. II. Tit. II. c. 12 ; (2) any one striking a clerk comes under the canon, Gratian Caus. XVII. Qu. IV. c. 29 ; (3) they are not liable to secular services, Decret. Lib. III. Tit. XLIX. c. 4 ; (4) they can form a corporation when laymen cannot, Decret. Lib. III. Tit. XVII. c. 6, and Lib. V. Tit. XXXI. c. 14 ; (5) they can sell a thing given to the Church before delivery ; (6) their households possess the same privileges that they do personally ; (7) those making statutes to their detriment are *ipso facto* excommunicate, Sext. Lib. III. Tit. XXIII. c. 5 ; (8) none but those in orders can hold spiritual benefices, Decret. Lib. I. Tit. XXXVI. c. 6 ; (9) a clerk cannot be convened by general words in a citation addressed to laymen ; (10) in a civil cause they cannot be compelled to pay more than four *siliquae* by way of court-fee ; (11) they can dispose of their effects although they are under age ; (12) they can litigate to protect their property if minors without their father's consent ; (13) they cannot be attached as pledges ; (14) a slave becoming a clerk with his lord's knowledge is thereby emancipated. Briefly, says Lyndwood, these privileges may be summed up in the two following : (1) they may not be personally molested ; (2) they may not be molested by exactions in purse or pocket. Whether these privileges belong to them in a Christian community by divine right or by concession of princes is a point on which doctors disagree. Bouix de judiciis I. 89 and 90.

The usage of modern times has withdrawn all privileges from minor orders and tonsured persons, and only left to those in holy orders such personal privileges as are required for their public ministrations. In this country they still enjoy freedom from arrest, assault, or molestation, whilst executing their public duties (2), and are exempt from civil duties incompatible with their calling (3), such as military service (4) and serving on juries which might involve capital punishment (5). They are also permitted to retain their own private property (6), and to

(2). Can. 38 Dunstan, A.D. 963; Concil. Westminster A.D. 1138, Can. 10: Let him be struck with anathema that kills a clerk, . . . or lays wicked hands on such. Concil. Lat. II. A.D. 1139, Can. 15 ap. Gratian Caus. XVII. Qu. IV. c. 12: Should any one at the devil's bidding incur the charge of sacrilege by laying violent hands on a clerk, let him be under the ban of anathema. Concil. Westminster A.D. 1200, Can. 10.

(3). Isidor. ap. Gratian I. Dist. XXIII. c. 3: Let them lay aside secular offices and business. Egbert's Qu. 15, A.D. 734; Concil. Westminster A.D. 1102, Can. 8 forbids their being reeves or agents to secular persons in cases of blood. Concil. Westminster A.D. 1138, Can. 9; Const. 8 Langton, A.D. 1222; Const. 6 Othobon, A.D. 1268, forbids all rectors, perpetual vicars, and priests whatsoever to accept of secular jurisdiction from a secular person.

(4). Concil. Tolet. IV. A.D. 633, Can. 44, ap. Gratian Caus. XXIII. Qu. VIII. c. 5: Clergy who take or have taken arms spontaneously in any dispute shall lose their degree and do penance in a monastery; and Can. 47; Concil. Melden. A.D. 845, Can. 37, *Ibid.* c. 6: Let none of the clergy take military arms or go forth armed. Concil. Westminster A.D. 1138, Can. 5: We allege the authority of Pope Nicolas, who says, Since the soldier of Christ and the secular soldier differ from one another, it becomes not a soldier of the Church to bear secular arms. Concil. London A.D. 1175, Can. 11: Let none that would appear to be clerks wear or bear arms. Const. 4 Othobon, A.D. 1268: The use of offensive and vindictive arms is forbidden to clerks, . . . and that even in a just cause. See *Order*, § 46, note 278.

(5). Concil. Tolet. XI. Can. 6, A.D. 675, ap. Gratian Caus. XXIII. Qu. VIII c. 30: Egbert's Excerpt 155, 156, A.D. 740; Concil Westminster A.D. 1102, Can. 8; Concil. London A.D. 1175, Can. 3: Let not a man in holy orders be concerned in judgments concerning blood, nor by himself, nor by any other inflict deprivation of member. Const. 8 Langton, A.D. 1222; Const. 7 Othobon, A.D. 1268: We forbid clerks to exercise the office of advocates in a secular court in a cause of blood. See *Order*, note 339.

(6). Augustin ap. Gratian Caus. XII. Qu. I. c. 18: Those who wish to

dispose of the same by will, with certain restrictions, to whom they please (7). On the other hand, whilst bishops are summoned to sit in the upper house of Parliament by virtue of their temporal baronies, yet the rest of the clergy, although possessing benefices, are not permitted to sit in the lower house (8).

3. The spiritual privileges to which order entitles include (1) the privilege of participating in the Eucharistic offering everywhere in the degree of order to which they belong (9); (2) the privilege of being treated with deference by every degree in order below their own (10); and (3) the privilege of

have property, to whom God and His Church is not enough, let them remain where they wish and can; I do not take away the exercise of their order, I desire to have no hypocrites with me. Concil. Paris A.D. 829, *Ibid.* Qu. v. c. 4; Alexander III. in Decret. Lib. III. Tit. XXVI. c. 9, 12.

(7). Apost. Can. 40 ap. Gratian Caus. XII. Qu. l. c. 21: Let the proper goods of the bishop and those belonging to the Lord be openly distinguished, that he may have power when he dies to leave his own goods to whom he pleases. Gregory, A.D. 602, *Ibid.* Qu. v. c. 1; Concil. Hispal. A.D. 619, *Ibid.* c. 4; Concil. Altheim in Decret. Lib. III. Tit. XXVII. c. 1; Const. 8 Stratford, A.D. 1343. But Const. 32 Langton, A.D. 1222: If clergymen leave anything to their concubines, let it be converted to the use of the Church. Const. 34 Langton, and Const. 30 Mepham, A.D. 1330, repeat the same. Lynd. 165; Concil. Carthag. III. A.D. 397, Can. 13, forbids bishops or clergy to make donations to non-Catholics.

(8). The House of Commons resolved, in 1553, that no person having a voice in the Convocation House could have a voice in that house. Act Geo. III. c. 63 declared that no person in holy orders should be capable of being elected to Parliament.

(9). Apost. Const. II. 58: If a presbyter come from another place, let him be received to communion by the presbyters; if a deacon, by the deacons; if a bishop, let him sit with the bishop, and be allowed the same honour with himself; and thou, O bishop, shalt desire him to speak to the people words of instruction. Stat. Eccl. Ant. A.D. 505, Can. 33: If bishops or presbyters come to another church for the sake of visiting it, let them be received in their degree and be invited both to speak the Word and to consecrate the oblation. Hilary Quaes. in Vet. et. Nov. Test. A.D. 375, Qu. CI.; Before God the honour remains to each one who has been told off to ecclesiastical offices, so that he who is a deacon enjoys the honour of the diaconate in every Church.

(10). Hieronym. ap. Gratian I. Dist. XCV. 6, 7, requires bishops and

being judged by spiritual judges in all matters not involving temporal rights (11). Even in matters involving temporal rights those in holy orders are forbidden by the canons to resort to secular tribunals (12), except when justice may not or cannot

presbyters to honour one another. Concil. Laodic. A.D. 363, Can. 56, *Ibid.* c. 8, forbids presbyters to enter Church before the bishop. Concil. Laodic. Can 20, *Ibid.* c. 15, forbids deacons to sit in the presence of presbyters. Gregory *Ibid.* I. Dist. LXXXIX. c. 7. Gregory Ep. 54 ad episc. Galliarum, reproduced by Pseudo-Isidor. *Ibid.* I. Dist. XCIII. c. 5: Let the presbyter give place to the bishop, the deacon to the presbyter, the subdeacon to the deacon, the collet to the subdeacon, the exorcist to the collet, the door-keeper to the reader. Nicolaus *Ibid.* I. Dist. XXI. c. 4, applies the same rule to degrees of jurisdiction.

(11). Concil. Paris A.D. 615, ap. Gratian Caus. XI. Qu. 1. c. 2: Let no one presume to accuse or condemn a presbyter, deacon, or other of the clergy without the bishop's license. Concil. Agath. A.D. 506, Can. 32, *Ibid.* c. 17 & 47. Concil. Matiscon I. A.D. 583, *Ibid.* c. 6: Let no clerk accuse another clerk before a secular judge, or in any way call upon him to answer there. Gregory, A.D. 603, *Ibid.* 38, 39. Alfred and Guthrum's Law 3, A.D. 873: If a man in orders commit a capital crime let him be reserved to the bishop's doom. Egbert's Excerpt. 140, A.D. 740; Edgar's Law 7, A.D. 960; William's Mandate, A.D. 1085: Let no bishop or arch-deacon hereafter bring those causes before the secular judicature which concern the government of souls. Const. 3 Clarendon, A.D. 1164: Clerks being accused of any matter are to come to make answer thereto to whatever the king's court shall think fit, and likewise to the ecclesiastical to make answer to whatever shall be there thought fit, but so that the king may send to the court of Holy Church to see how matters are there carried. By 9 Ed. II. St. 1, c. 13, A.D. 1315, the qualification of a clerk is triable by the spiritual judge, and by 25 Ed. III. c. 8, confirmed by 13 Car. II. c. 12 and *Hill* v. *Barne* 2 Levinz 250, the question of voidance of a spiritual cure. Lynd. 270. Soglia Inst. juris. publ. § 58, says: Clergy are bound in conscience to obey those civil laws which do not detract from their position, not because of their coercive, but because of their directive power.

(12). 1 Cor. VI. 1, conf. v. 12; Epist. Clem. ad Jac. 10: Let not those who have disputes go to law before the civil powers, but let them by all means be reconciled by the elders of the Church, and let them readily yield to their decision. Tertullian Apol. c. 1: If a Christian is accused [before a secular judge] he offers no defence. Cyprian, Testimonies against the Jews, A.D. 255, Lib. III. c. 44; Concil. Antioch. A.D. 341, Can. 12 ap. Gratian Caus. XXI. Qu. V. c. 2, forbids a condemned presbyter to appeal to

be had from spiritual judges (13). They are also held liable in conscience for all profits made out of their spiritual position (14), and formerly the Church was deemed to be the heir of every bishop who died intestate (15).

the emperor, and Can. 11, *Ibid.* Caus. XXIII. Qu. VIII. c. 27, forbids a bishop to do the same without the metropolitan's leave. Apost. Const. II. 46; Concil. Const. A.D. 382, Can. 6; Concil. Carthag. III. A.D. 397, Can 9, *Ibid.* Caus. XI. Qu. I. c. 43: Whatever bishop, presbyter, or deacon when charged with a crime seeks to clear himself before a secular judge, let him lose his position. Stat. Eccl. Antiq. A.D. 505, Can. 87; Concil. Chalcedon A.D. 451, Can. 9, *Ibid.* c. 46; and in Decret. Lib. II. Tit. II. c. 1: If any clerk hath a suit against another clerk let him not leave his own bishop and run to the secular court of justice, but let him first try the question before his own bishop. Concil. Aurel. III. A.D. 524, Can. 4; Martin Brac. A.D. 572, c. 5; Concil. Tolet. III. A.D. 589, *Ibid.* Caus. XI. Qu. I. c. 42; Egbert's Excerpt 16, A.D. 740: That no priest sue in the secular courts, relinquishing his own law. Decret. Lib. II. Tit. II. c. 12, and Lib. I. Tit. XXXVII.; Const. 4 Thorsby, A.D. 1363, enumerates among greater crimes: When a clerk sues in the secular judicature in contempt of the ecclesiastical judge. Hooker VIII. 8, 9: If the cause be spiritual, secular courts do not intermeddle with it. Boldly and lawfully we may refuse to answer before any civil judge in a matter which is not civil, so that we do not mistake the nature of the cause or the court. It should nevertheless be borne in mind that in this country a bishop has been known to condemn a perfectly innocent man without a hearing of any kind, because the latter refused before a secular judge to defend himself against irrelevantly introduced insinuations of misconduct otherwise than by a simple denial upon oath.

(13). In Acts XXIII. 11 St. Paul is compelled to appeal to Cæsar. Concil. Aurel. I. A.D. 511, Can. 8 ap. Gratian Caus. II. Qu. VII. c. 20, allows a secular court to be applied to against a bishop on a purely temporal matter, provided no charge of crime is made against the bishop. Edward's Law 7, A.D. 1064: If the guilty person despise the bishop's sentence, let complaint of it be brought to the king after forty days. Lynd. 278 says that to obtain redress for a private wrong application may be made by a clerk to a temporal judge, and also, p. 264, when redress cannot be had from a spiritual judge. So also Craisson, § 276.

(14). Concil. Carthag. III. A.D. 397, Can. 49; Codex Eccles. Afric. 32; Concil. Lat. III. A.D. 1179, Can. 15, in Decret. Lib. III. Tit. XXVI. c. 7; Alexander III. *Ibid.* c. 9 and 12, and Tit. XXV. c. 1–5.

(15). Concil. Tarracon. A.D. 516, Can. 12 ap. Gratian Caus. XII. Qu. V. c. 6; Concil. Altheim in Decret. Lib. III. Tit. XXVII. c. 1, says the same of a presbyter.

4. To entitle them to these spiritual privileges in any part of the Church other than that to which they belong, it is necessary for them to have letters commendatory from their own bishop ([16]), and by mediaeval rule to have also a proper clerical tonsure and dress ([17]). By the rule of the 6th century those who come from parts beyond sea ought also to bring testimonials bearing the signatures of five bishops ([18]).

The General Duties of Orders.

5. The duties of order include (1) the general duties of all ordained persons, (2) the special duties of those in holy orders, and (3) the particular duties of each degree in order. The general duties of all ordained persons are the same as those of all baptized persons, but in a higher degree, and consist in not being ashamed of Him whose service they have entered, but

(16). Apost. Const. II. 58; Concil. Carthag. I. Can. 5, A.D. 348, ap Gratian I. Dist. LXXI. c. 6; Leo Epist. 82, c. 9, A.D. 446, *Ibid.* Caus. XIX. Qu. II. c. 1: Let no one receive a strange clerk against his bishop's will. Concil. Chalcedon A.D. 451, Can. 13, *Ibid.* c. 7: Strange clergy and readers should by no means officiate in any other city without letters commendatory from their own bishop. Concil. Antioch. A.D. 341, Can. 7: No strange clerk ought to be received without letters in proper form. Concil. Agath. A.D. 506, Can. 52: Let no one give the communion to a presbyter, deacon, or clerk who goes about without his bishop's letters. Concil. Hertford A.D. 673, Can. 5: That no clerk leaving his bishop go up and down at his own pleasure, nor be received wherever he comes without the commendatory letters of his bishop. Concil. Remens. A.D. 625, Can. 12: That no clerk be received who goes about without his bishop's letters. Egbert's Excerpt. 60, A.D. 740; Concil. Chelsea A.D. 747, Can. 6: That none presume to receive a presbyter or deacon from the diocese of another without a reasonable cause and letters commendatory. Decret. Lib. I. Tit. XXII.

(17). Const. 20 Boniface, A.D. 1261: All who would enjoy clerical privilege must be decently clipped and have a shaven crown.

(18). Pseudo-Isidor. ap. Gratian I. Dist. XCVIII. c. 1, 12: Let no man receive to clerical honour any from beyond seas unless they bring with them a testimonial signed by five bishops. Gregory *Ibid.* c. 3: Let no Africans be received to orders, because many Africans are Manichaeans and have been rebaptized, and many strangers in minor orders have pretended to have a higher degree.

confessing Him before men (19), and in seeking to advance the Kingdom of God in the world by every good work (20).

6. To show that they are not ashamed of Him whose service they have entered, it has been usual for clergy, ever since the days of persecution were over, to wear their hair closely trimmed, and not to allow the beard to grow unkempt (21). This trimming of the hair appears to have originated by way of protest against the mundane habit of wearing long hair (22), and

(19). See *Baptism*, § 29.

(20). Syn. Rom. A.D. 826, ap. Gratian Caus. v. Qu. III. c. 3: The bishops and all the clergy are appointed only for the glory of God, and the performance of every good work. Can. 4 Odo, A.D. 943: We admonish presbyters that they teach their people by their good example in the holy habit, and instruct and inform them by their holy doctrine that their conversation excel the manners of the people in all goodness and modesty, that they who see them walking apparelled according to the dignity of the priesthood may with good reason speak commendably of their habit. Concil. Lat. II. A.D. 1139, Can. 4 ap. Gratian Caus. XXI. Qu. IV. c. 5: Let bishops and other clergy, both in their state of mind and habit of body, seek to please God and man, and neither by the superfluity, cut or colour of their garments, or by their tonsure, give offence to the sight of the beholders. Const. 5 Zouche, A.D. 1347.

(21). Cyprian de Laps. c. 6, speaks of it as a crime in a confessor to deface his beard, c. 30: It is written [Lev. XIX. 27] ye shall not mar the figure of your beard; yet he plucks out his beard and dresses his hair. Clem. Alex. Paedag. III. 11; Stat. Eccl. Ant. A.D. 505, Can. 44, introducing the Roman court custom: Let no clergyman suffer his hair or beard to grow (nutriat). Apost. Const. 1, 3: Do not permit the hair of the face to grow too long. Concil. Agath. A.D. 506, Can. 20 ap. Gratian I. Dist. XXIII. c. 22: Let clerks who let their hair grow long be clipped by the archdeacon, even against their will. Concil. Barcinon. A.D. 540, Can. 3: Let none of the clergy wear long hair (comam nutriat), nor shave (barbam radat). Concil. Brac. I. A.D. 56, *Ibid.* c. 32: Nor ought clergy to let their hair grow long. Concil. Brac. II. A.D. 572, Can. 66; Gregory II. A.D. 731, *Ibid.* c. 23: If one of the clergy let his hair grow long, let him be anathema. Egbert's Excerpt. 151, A.D. 740. Concil. Westminster A.D. 1175, Can. 4, orders clergy neglecting the tonsure to be clipped by the archdeacon. Concil. Ebor. A.D. 1195, Can. 10: Let them who have no benefices be clipped by the archdeacons or [rural] deans. Const. 30 Langton, A.D. 1222, orders the clipping to extend to the officials of archdeacons. Const. 2 Stratford, A.D. 1343, censures those who neglect the tonsure.

(22). Edgar's Law 47, A.D. 960: That no clerk cover his tonsure nor

was practised by penitents as a mark of affliction (23). In the third century it was adopted by monks in their endeavours after a life-long penance (24), and passed from the monks to the clergy in the fourth century, when it became known as the tonsure. The earlier tonsure, however, at least of the clergy, consisted in restraining the exuberance of hair and beard, not in shaving the pate (25); and the head thus clipped was formerly called the crown (26), and those who wore it the crowned ones (27).

7. In the sixth century the practice of shaving parts of the head so as to leave only a crown of growing hair had become general among the clergy, being probably also derived from the monks (28). Of this crown there were two forms: (1) the semi-

permit himself to be misshorn. Concil. Westminster A.D. 1102, Can. 12: That the crown of clergymen be visible.

(23). Lingard's Anglo-Saxon Church I. 54.

(24). Wihtraed's Dooms 8, A.D. 696: If a shorn man [*i.e.*, a monk] irregularly wander about, let entertainment be given him for one night but no longer, unless he have a license.

(25). Hieronym. in Ezekiel 13, vol. V. 547: It is clearly shown that we ought not to have shaven heads like the priests of Isis and Serapis, nor yet long-flowing hair like the barbarians and military men, but that the honest habit of presbyters may be manifested in their appearance. Optatus Milev. contra Parmen. Lib. II. p. 54: Where is the command to shave (radere) the head of priests, when on the contrary so many examples are forthcoming to show that it ought not to be done? Egbert's Excerpt. 151, A.D. 740: If any Catholic cut his hair after the manner of the barbarians, let him be deemed an alien from the Church of God.

(26). Hieronym. ap. Gratian Caus. XII. Qu. 1. c. 7: The clergy are kings exercising kingship over themselves and others in good works. . . . And of this the crown on the head is a token. This crown they wear according to the custom of the Roman Church, as a sign of the kingdom which they expect in Jesus Christ. Concil. Ebor. A.D. 1195, Can. 10: We ordain that clergy who have received the crown from the bishop do preserve their crown and tonsure. If out of contempt they do not, let them be compelled to by deprivation of their benefices. Information of Hugo de St. Victor. ap. Maskell Mon. Rit. II. 237.

(27). Cod. Theodos. de Episc. et Cler. Leg. 38; Devoti Inst. Lib. I. Tit. I. § 11.

(28). Hallierus de Sacr. Elect. et Ordin. Pars. III. sec. 8, c. 9, vol. III. 518. Romae, 1740.

circular or crescent-shaped, in which the hair at the back was left uncut, so that there was only an incomplete crown—this form of the tonsure is said to have been first used in Ireland (29)—and (2) the circular or Roman tonsure, which consisted in shaving the pate of the head and cutting away the hair below, leaving a perfect circle of growing hair (30). The Roman form superseded the semicircular tonsure in Ireland in the seventh, and in this country in the eighth century (31).

8. All clergy are, moreover, required to wear a becoming clerical dress, as well in private life as in public ministrations. Since an early time in the Gallican and Eastern Church (32), and

(29). Gildas, A.D. 570, in Haddan & Stubbs I. 113: The Romans say that the tonsure of the Britons has its origin from Simon Magus, whose tonsure extended only to the anterior part of the head, from ear to ear. . . . Patrick's discourse alleges that the author of this tonsure was the swine-herd of King Loigar, son of Neil. Concil. Tolet. A.D. 633. Can. 41, *Ibid.* II. 100, mentions a Spanish tonsure which consisted in shaving a moderate circle on the top of the head, and letting the lower part of the hair grow behind.

(30). Martin of Tours de Gloria Martyr. I. c. 28, states that St. Peter instituted the tonsure. Lynd. 64: The crown is a sign of a kingdom and perfection [see Hieronym. quoted note 26], and it is formed by shaving the hair on the top of the head, and cutting the hair away round the lower part, so as to expose the ears [Martin, A.D. 561, ap. Gratian I. Dist. XXIII. c. 32], leaving a circlet of hair, which is called the crown. This form of tonsure was not universal in England before A.D. 768. See Haddan and Stubbs I. 154. Const. 20 Boniface, A.D. 1261: That bishops in their synods, and archdeacons in their chapters, and chaplains of parochial churches do thrice every year denounce to all who would enjoy clerical privilege that they must be (1) decently clipped, and (2) have a shaven crown. . . . And let them not be ashamed to bear the marks of Him who, for their sakes, wore a crown of thorns. Const. 5 Othobon, A.D. 1268; Const. 21 Peckham, A.D. 1281: The crown is a distinguishing mark of a soldier of the Church. Decret. Lib. III. Tit. l. c. 7, and Lib. v. Tit. XXXIII. c. 27; Clem. Lib. III. Tit. l. c. 2; Lynd. 119.

(31). Gregor. Lib. I. Epist. 25; Lib. VII. Ep. 10: Let them clip their head all round, so that temporal cares, in as far as they are necessary, may stand out and forthwith be cut away when they become superfluous. H. and S. I. 108 state that the Roman tonsure was adopted in the south of Ireland in 630, in North Ireland in 704 A.D., and in this country in 768 A.D.

(32). Tertullian de Pallio says that the mantle (pallium) is a sign of

since the seventh century at Rome (33), this dress has been distinct from that of laymen. In other parts of the Church

the ascetics. Origen in Euseb. VI. 19 relates that, in A.D. 200, Heraclas, a presbyter of Alexandria who had before used a common dress, assumed the philosopher's mantle (pallium), and retains it even now. Socrates III. 24, relates that the philosophers under Jovian laid aside their mantles (pallia). Concil. Gangra, A.D. 355, Can. 12 ap. Gratian I. Dist. XXX. c. 15: If any man thinks it in accordance with the holy vow (*i.e.*, of consecration) to wear a mantle (pallium, περιβόλαιον), as though he would thereby obtain sanctity, and despises or condemns others who wear with reverence shepherd's cloaks (βῆροι, berrhae) and other common garments, let him be anathema. Socrates II. 43, says that Eustathius, Bishop of Sebaste, A.D. 359, wore the philosopher's mantle. Coelestin. A.D. 430, Ep. 4 ad Episc. Prov. Vienn. ap. Constantium, p. 1067, and Jaffé 369, blames the Gallican clergy for wearing a mantle and girdle, as being contrary to ecclesiastical [*sc.* Roman] use: "We must be distinct from the people in doctrine, not in dress (veste); in conversation, not in costume (habitu); in purity of mind, not in decoration (cultu) of the body." Salvianus de Gubernat. IV. c. 7, in the fifth century: Some of your sons, under the guise (sub titulo) of religion, act contrary to religion, and seem to have given up the world in dress (habitu) rather than in sentiment (sensu). Stat. Eccl. Ant. A.D. 505, Can. 45 ap. Gratian I. Dist. XLI. c. 8: Let a clerk prove his profession by his walk and conduct, not seek honour from his garment and his shoes. Concil. Agath. A.D. 506, Can. 20: Let no clerk wear garments or shoes except such as become religion. Concil. Matiscon. A.D. 581, Can. 5; Gregory of Tours, A.D. 594, Hist. Franc. V. 14: Merovechus received the tonsure, and, his dress being changed for that which presbyters usually wear, was ordained. Concil. Trull. A.D. 692, ap. Gratian Caus. XXI. Qu. IV. c. 2: Never let a clerk wear an unbecoming dress, whether dwelling at home or walking abroad, but wear a close-fitting outer garment (στολή), reaching to the ankles, such as is allowed to clerks, or else let him be suspended for a week. Duchêsne 366; Concil. Tolet. IV. A.D. 633, *Ibid.* Caus. XI. Qu. III. c. 65, speaks of the outer garment (planeta) and stole (orarium) as being the distinctive dress of a presbyter. The usual name for the outer garment in the Gallican Church was, according to Germanus, A.D. 555, casula or casulis; the Roman name for it planeta; the Greek στολή or φελόνιον. Leofric Missal, p. 215, speaks of a "stola sive planeta" being put on at the ordination of a presbyter. The term casula is first met with at Rome under the form quodsulis, in the life of Pope Stephen II. A.D. 732 (Lib. Pont. I. 443, I. 18), to describe a close-fitting garment or cassock. In Leofric Missal 261, collets are directed to wear black cassocks (casulae). *Ibid.* p. 258: The clergy are directed to put on casulae and solemn vestments for the blessing of the chrism.

(33). The costume of all officials at Rome in the fifth century consisted

from an earlier date(34), and at Rome since the ninth century(35), the ordinary dress of the clergy has also been distinct from their liturgical dress. The ordinary dress is required to be dignified, but not ostentatious (36). For clergy in general it may be of any colour except red or green (37), and except purple according to

of (1) a tunic as an under-garment, either with sleeves, called linea, alba, στιχάριον, or without sleeves, called colobus or rochet (the colobus being required to be worn by senators, whenever seen out of doors, by Cod. Theod. XIV. X. 1), and (2) a cloak or mantle (paenula or planeta) as an upper garment. Hieronym. Ep. 130, ad Demetriad de Virg. A.D. 414, commends him for throwing aside "all care for the body . . . and clothing himself in a common tunic and common mantle." Magistrates when acting officially wore also the toga. Their apparitors wore the same dress, but had in addition (1) a girdle binding the frock in at the waist, and (2) a distinguishing scarf (pallium), which Duchêsne, 366, suggests may be the remains of the toga. Cotemporary paintings represent Pope Gregory and his father, Gordian, at the end of the sixth century, as wearing an identical dress. In the seventh century the planet had gone out of fashion for laymen, but it was still worn by all clergy, including collets and those below them, and all below the diaconate wore a girdle over the tunic. Gregory Dial. IV. c. 40, and Hom. IV. in Evang. I. c. 5.

(34). See *The Eucharist*, § 11, and Reichel's English Liturgical Vestments in the 13th century.

(35). Ordo S. Amandi, A.D. 800, ap. Duchêsne, speaks of the bishop putting on his sacerdotal vestments, and deacons and subdeacons putting on their albs and amices (anagolagia). Leo IV. A.D. 847, ap. Labbé VIII. 33 : Let no one presume to sing masses in a planet which he wears every day. Can. 22 Elfric, A.D. 957 : The priest shall have his mass-vestment. Edgar's Law 33, A.D. 960 ; Duchêsne 376.

(36). Pontius Vita Cypriani, c. 6, says : His dress was not out of harmony with his countenance, the pride of the world did not inflame him, nor did an affected penury make him sordid. Synod VII. ap. Gratian Caus. XXI. Qu. IV. c. 1, § 2 : Of old every consecrated man was content with a moderate and cheap garment. All that is not for necessity but for show betrays pride, as great Basil saith. Can. 36 Elfric, A.D. 957 : Let not your garment be too gorgeous, nor yet made in too sordid a manner.

(37). Concil. Lat. IV. A.D. 1215, Can. 16 in Decret. Lib. III. Tit. I. c. 15, says of any colour except red or green. Const. 5 Othobon, A.D. 1268 ; Socrates VI. 22, relates that the Novatian Bishop Sisinnius always wore white, and when asked why he did not wear black, quoted Solomon's words, Let thy garments be white.

Gallican rule (38), but it should not be burnet, particoloured, or striped (39). Burnet is also forbidden to regulars (40). English constitutions direct presbyters to wear a close-cope or frock (tunica talaris or sacerdotalis), in imitation of that worn at Rome (41), in Church, consistory or before their prelates, which in length should reach to the ankles, or, at least, to the middle of the thigh (42); but, as Lyndwood remarks, these constitutions were never observed here (43). Canons and monks are enjoined to wear a cope or mantle of Eastern shape (44), such as was worn

(38). Duchêsne 366 relates that ordinarily the planets of Roman clergymen were purple or dark in colour. Concil. Narbon. A.D. 589, Can. 1: Let no clergyman wear purple garments which pertain to worldly ostentation.

(39). Syn. VII. A.D. 787, ap. Gratian Caus. XXI. Qu. IV. c. 1; Concil. Westminster A.D. 1102, Can. 10: That priests' clothes be all of one colour, and their shoes plain. Concil. Westminster A.D. 1138, Can. 15, forbids nuns to wear anything particoloured.

(40). Const. 36 Langton, A.D. 1222.

(41). John VI. A.D. 704, writing to the English bishops in H. & S. III. 264, says that all the English clergy had agreed on the vigil of St. Gregory to lay aside, not only the lay folding outer garment, but all the lay habit, and to wear long frocks (tunicas talares), after the Roman fashion. Egbert's Excerpt 153, A.D. 740, calls these colobia. Edgar's Law 46, A.D. 960; Zacharias, A.D. 743, ap. Gratian Caus. XXI. Qu. IV. c. 3, requires clergy not to wear secular garments, but a sacerdotal frock (tunica sacerdotalis), and never to be seen out of doors, except on a journey, without a cloak operimentum). Synod Eugenii. II. A.D. 826, *Ibid.* c. 4; Concil. Chelsea A.D. 787, Can. 4; Concil. London A.D. 1175, Can. 4 and 11; Const. 30 Langton, A.D. 1222: That archdeacons, deans, all parsons and dignitaries, rural deans and priests, go in a decent habit with a frock. Const. 14 Otho, A.D. 1237; Const. 5 Othobon, A.D. 1268: Let priests, deans, archdeacons, and all that have dignities with cure of souls, wear frocks, except, perchance, in their journeyings.

(42). Martin Brac. A.D. 561, ap. Gratian I. Dist. XXIII. c. 23, requires it to reach to the feet. Const. 36 Langton, A.D. 1222: Like Joseph's coat, reaching down to the ankles. Const. 14 Otho, A.D. 1237, requires it to be of decent length. Const. 5 Othobon, A.D. 1268: That no clerk wear garments ridiculous or remarkable for shortness, but reaching, at least, beyond the middle of the legs. Const. 5 Zouche, A.D. 1347; Const. 2 Bourchier, A.D. 1463, says, "long enough to cover their middle parts."

(43). Lynd. A.D. 1429, p. 119.

(44). Concil. Chelsea A.D. 787, Can. 4, says of Eastern pattern, probably

in the Gallican Church [45], but are forbidden to wear girdles or ornaments of silver and gold [46]. Out of Church, canons may wear frocks with sleeves [47], but to all other clergy sleeves [48] are at all times interdicted, as well as furs [49]. Their shoes also should neither ape the slippers (campagi) of the Roman clergy nor the beaked boots of worldly laymen [50]. To graduates and prelates capes and short hoods are permitted [51], but not coifs, because they conceal the tonsure [52]. For neglect of

referring to Syn. Trull. A.D. 692, ap. Gratian Caus. XXI. Qu. IV. c. 9, which requires all clergy to wear the gowns (stolas) customary for clergy. Concil. Tribur. A.D. 895, *Ibid.* Caus. XVII. Qu. IV. c. 25: That priests do not go abroad except in gown (stola) and stole (orarium). Const. 30 Langton, A.D. 1222, calls it a habit.

(45). Theodori Poenit. II. II. 11, in H. & S. III. 192, calls it cappa, *i.e.*, cape or cope.

(46). Const. 36 Langton, A.D. 1222.

(47). Concil. Westminster A.D. 1200, Can. 10: Let archdeacons and dignified priests use frocks with sleeves. Sleeves are, however, forbidden in Church by Concil. Lat. IV. A.D. 1215, quoted note 48, and by Const. 2 Stratford, A.D. 1343: Clerks apparel themselves like soldiers, rather than like clerks, with long hanging sleeves not covering the elbows.

(48). Concil. Ebor. A.D. 1195, Can. 11: That priests go not in copes with sleeves. Concil. Lat. IV. A.D. 1215, Can. 16, in Decret. Lib. III. Tit. 1. c. 15: Let clerks wear close upper garments, neither excessively short nor excessively long. Let them not use red or green material or sleeves. . . . Let them not wear copes with sleeves in Divine offices, in the Church or elsewhere, if they are beneficed priests, except they are disguising themselves for some just cause. The Gallican clergy wore sleeves (manicæ ἐπιμανίκια), like the Eastern clergy. Const. 2 Stratford, A.D. 1343.

(49). Const. 2 Bourchier, A.D. 1463; 11 Ed. III. c. 4, A.D. 1337, repealed by 1 Jac. I. c. 25, sec. 45.

(50). Stat. Eccl. Ant. A.D. 505, ap. Gratian I. Dist. XLI. c. 8; Gregory, A.D. 598, *Ibid.* I. Dist. XCIII. c. 21, censures the deacons of Catana for wearing the slippers, which were the prerogative of the Roman clergy (campagi). Concil. Aurel. 1, A.D. 511, Can. 20, forbids monks to wear pointed shoes (tsangae or zonæ). Const. 2 Bourchier, A.D. 1463: Let none wear shoes monstrously long or turned up at the toes.

(51). Const. 2 Bourchier, A.D. 1463: That no one who is not a graduate in some university, or possessed of some ecclesiastical dignity, do wear a cap with a cape, nor a double cap, nor a cap with a cornet, nor a short hood after the manner of prelates and graduates.

(52). Const. 5 Othobon, A.D. 1268; Const. 21 Peckham, A.D. 1281.

clerical dress clergy may be fined and deprived (53), but when travelling they are exempt from these rules (54).

9. All who have been admitted to any degree in order are further required to let their conduct and behaviour be such as becomes representative Christians, having a higher standard of life before them than Christians living in the world (55). Hence, in such matters as eating (56) and drinking (57), they

(53). Concil. Lat. II. A.D. 1139, Can. 4 ap. Gratian Caus. XXI. Qu. IV. c. 5: If they refuse to amend [in the matter of dress] after monition, let them be deprived. Const. 14 Otho, A.D. 1237; Decret. Lib. V. Tit. XXXIX. c. 25 and 45; Const. 5 Othobon, A.D. 1268, orders offending clerks to be suspended until they have paid a fine of one-sixth of the value of their benefices. Const. 21 Peckham, A.D. 1281, makes them liable to a fine without a previous monition. Const. 2 Stratford, A.D. 1342, increased the fine from one-sixth to one-fifth. 37 Ed. III. c. 13, A.D. 1363, determined the apparel of several sorts of clerks, but was repealed by 24 Hen. VIII. c. 13 and 1 Jac. I. c. 25. Const. 5 Zouche, A.D. 1347.

(54). Zacharias, A.D. 743, ap. Gratian Caus. XXI. Qu. IV. c. 3; Const. 5 Othobon, A.D. 1268; Const. 21 Peckham, A.D. 1281; Const. 2 Stratford, A.D. 1343; Const. 2 Bourchier, A.D. 1347; Lynd. 119, 124.

(55). Isidor. ap. Gratian I. Dist. XXIII. c. 3: Let them take care, withdrawn from public life, to abstain from the pleasures of the world; not frequenting public games and shows, avoiding public feasts, and only attending private ones conducted with modesty and sobriety; eschewing usury, the pursuit of base gains, and any approach to fraud. Let them put away the love of money as the root of all evil, lay aside secular offices and business, not be ambitious for degrees of honour, nor take gifts for dispensing the medicine of God. Let them avoid deceit and conspiracy, hatred, strife, evil-speaking, and envy, not permitting the eyes to wander, the tongue to run riot, or the deportment to be supercilious or mincing, but by a simple gait and walk show the modesty and simplicity of their mind. Let them altogether execrate obscenity as well of language as of deed, avoid the society of widows and maidens, altogether eschew familiarity with strange women, and either seek to preserve the chastity of a body undefiled, or else submit to the bond of a single marriage. Let them also show respect to their seniors, and not exalt themselves by any vain-glorious pursuit, and devote themselves regularly to readings, psalms, hymns, spiritual songs, and the exercise of doctrine.

(56). Hieronym. ap. Gratian I. Dist. XXXV. c. 4; Ambros. *Ibid.* c. 8; Augustin *Ibid.* Dist. XLI. c. 1–4, and Dist. XLIV. 1; Gregory, *Ibid.* c. 5; Chrysostom de Sacerd. V. c. 3.

(57). Apost. Can. 43 ap. Gratian I. Dist. XXXV. c. 1: Let a bishop,

should observe moderation, and always say grace before and after meat (58). They should not frequent taverns (59), markets or fairs, shows or public games (60), or gossip about in the streets (61). They should avoid strife (62) and litigation in

presbyter, or deacon, who indulges in dice or drinking, either leave it off or be deprived. Hieronym. *Ibid.* c. 3; Concil. Agath. Can. 41, A.D. 506, *Ibid.* c. 9, orders a clerk to be suspended thirty days for drunkenness. Concil. Clovesho A.D. 747, Can. 21: That monastics and ecclesiastics do not follow nor affect the sin of drunkenness. Cap. 14 Hincmar, A.D. 852, *Ibid.* I. Dist. XLIV. c. 7; *Id. Ibid.* c. 9, forbids more than three cups of wine. Can. 29 Elfric, A.D. 957: That no priest sottishly drink to intemperance. Edgar's Law 57, A.D. 960: That priests guard themselves against over-drinking. Cap. 13 Theodulf, A.D. 994: It concerns every mass-priest to guard himself against drunkenness. Concil. Westminster A.D. 1102, Can. 2: That presbyters go not to drinking-bouts nor drink to pegs. Concil. London A.D. 1175, Can. 2: Let not clerks go to eat and drink in taverns, nor be present at drinking-bouts, unless in their travels, repeating Concil. Carthag. III. A.D. 397, Can. 27; Concil. Ebor. A.D. 1195, Can. 18; Const. 6 Edmund, A.D. 1236; Decret. Lib. V. Tit. I. c. 12.

(58). Concil. Brac. II. A.D. 572, Can. 65 ap. Gratian I. Dist. XLIV. c. 12: Nor ought clerks to go to meat (edere panem) before the third day hour, nor without first having sung a hymn, and after meat they ought to give thanks to God, the Giver. Hincmar, A.D. 852, *Ibid.* c. 8: When the presbyters have assembled for any repast, let some senior among them say a verse before meat and bless the food. . . . And after meat, let them say a hymn, after our Lord's example. Egbert's Excerpt. 108, A.D. 740.

(59). Apost. Can. 42, quoted above; Concil. Laodic. A.D. 363, Can. 24 ap. Gratian I. Dist. XLIV. c. 2; Concil. Carthag. III. A.D. 397, Can. 27, *Ibid.* c. 4; Syn. Trull. A.D. 692, Can 9, *Ibid.* c. 3; Can. 30 Elfric, A.D. 957; Concil. Westminster A.D. 1200, Can. 10: That clerks go not to taverns or drinking-bouts.

(60). Concil. Laodic. A.D. 363, Can. 54 ap. Gratian III. Dist. V. c. 37; Augustin *Ibid.* I. Dist. LXXXVI. c. 8; Isidor. *Ibid.* I. Dist. XXIII. c. 3; Concil. Brac. II. A.D. 572, Can. 60; Const. 5 Winchel. A.D. 1305: They shall not keep taverns, shows, stews, or unlawful games.

(61). Stat. Eccl. Ant. Can. 47, A.D. 505; Concil. Narbon. A.D. 589, Can. 3.

(62). Concil. Carthag. III. Can. 9, A.D. 397, ap. Gratian Caus. XI. Qu. I. c. 43; Stat. Eccl. Ant. Can. 59, *Ibid.* I. Dist. XC. c. 1 and 7; Gregory *Ibid.* I. Dist. LXXXVIII. c. 4, forbids bishops to plead like laymen.

secular courts (63), usury (64), singularity (65), above all things idleness as the fiend of the soul (66), and maintain themselves honestly by agriculture (67) or a handicraft (68), or by writing and teaching (69). All orders are, moreover, required to be kept distinct, and no two may be exercised simultaneously by one and the same person (70).

THE DUTIES OF THOSE IN HOLY ORDERS.

10. In addition to the general duties incumbent on all clergy, those in holy orders are under three special obligations: (1) in respect of worship, (2) in respect of business and trade, and (3) in respect of marriage. These obligations, it has been some-

(63). See above, note 12.

(64). Concil. Elib. A.D. 305, Can. 20: If any one of the clergy be found to receive usury, let him be deprived and excommunicated. Concil. Arelat. A.D. 314, Can. 12; Can. Apost. 44 ap. Gratian I. Dist. XLVII. c. 1; Concil. Nic. A.D. 325, Can. 17; Concil. Laodic. A.D. 363, *Ibid.* I. Dist. XLVI. c. 9: Ministers of the altar may not be usurers. Leo, A.D. 443, *Ibid.* c. 10, forbids clergy to practise usury in the name of another. Concil. 1 Turon. Can. 13; Concil. Tarracon. Can. 13; Concil. Araus. III. Can. 27; Gregory *Ibid.* c. 3; Isidor. *Ibid.* I. Dist. XXIII. c. 3; Elfric's Can. 30, A.D. 957; Edgar's Law 14, A.D. 960; Concil. London A.D. 1126, Can. 14: We forbid all usury and filthy lucre to all clerks. Concil. Westminster A.D. 1138, Can. 9: We lay under sentence of deprivation those clerks who are usurers, follow filthy lucre, or do public business for secular men. See *Order*, note 291.

(65). Augustin ap. Gratian I. Dist. XLI. c. 1 says that he ought to adapt his manner of living to the manners of those among whom he lives. Lynd. 124, 208.

(66). Cap. 3 Theodulf, A.D. 994.

(67). Socrates I. 12 relates that Spyridon, who was a shepherd, continued to feed his sheep after being made a bishop in Cyprus. Stat. Eccl. Ant. Can. 52 and 49 ap. Gratian I. Dist. XCI. c. 3, 4: Let a clerk provide himself with food and raiment by a handicraft or agriculture. Let all clergy who are capable of work learn a handicraft and letters. Sozom. VII. 28 mentions a clerical weaver at Maiuma. Edgar's Law 14, A.D. 960: That every priest do justly cultivate his land, and be not an unrighteous chapman nor a covetous merchant. Decret. Lib. III. Tit. 1. c. 1; Lynd. 68.

(68). Edgar's Law 11, A.D. 960: That every priest do teach manual arts with diligence. Cap. 3 Theodulf, A.D. 994; Lynd. 280.

(69). Stat. Eccl. Ant. Can. 53 ap. Gratian I. Dist. XCI. c. 4; Lynd. 280.

(70). Gregory ap. Gratian I. Dist. LXXXIX. c. 1.

times said, are a legacy derived from the monks, without which, the clergy would have forfeited their place in public esteem (71), but it may be said with greater truth that they are an inheritance from the earliest days of the Church, when they were obligations incumbent upon all Christians and had not as yet been relaxed for those living in the world under the withering influence of prosperity.

11. Those who are in holy orders are required to assist at all the public offices of the Church, the lesser (72) as well as the greater hour-services, where these have been introduced, unless they are sick, blind, or live too far away, or are otherwise reasonably hindered (73). Those who cannot publicly join in the services should say them privately, and should either privately consecrate (conficere) or publicly offer (offerre) the Eucharist every Sunday and high day (74). Those who hold any spiritual benefice are under the same obligation, even

(71). Duchêsne 436.

(72). Isidor. de Offic. I. 19, l. c: Terce, sext, and nones. Vespers, matins, and lauds are the preliminary parts of the Eucharistic service.

(73). Concil. Tolet. I. A.D. 400, Can. 5 ap. Gratian I. Dist. XCII. c. 9: A presbyter, deacon, or subdeacon, if he is within the city, or in any place where there is a church, be it castle, hamlet, or lordship, who does not come to Church for the daily office of singing in the morning and at vesper-tide, let him not be deemed a cleric, *i.e.*, if when reproved he declines to deserve pardon from his bishop by means of satisfaction. Concil. Venet. A.D. 465, Can. 14: Let a clergyman who, being within the city, is absent from the morning hymns without reasonable cause, be excluded from communion for seven days. Concil. Aurel. I. A.D. 511, *Ibid.* I. Dist. XCI. c. 5, directs such to be punished according to the bishop's discretion. Pelagius, A.D. 555, *Ibid.* c. 1; Concil. Martini A.D. 572, Can. 63; Concil. Agath. A.D. 506, in Decret. Lib. III. Tit. XLI. c. 1; Concil. Nannet. A.D. 890, ap. Gratian I. Dist. XCI. c. 2, directs clergy to be present at all the seven hours. Laws 38, Northumbrian priests, A.D. 950: If a priest do not observe the yearly order in the Church services by day or by night, let him make satisfaction. Liguori Lib. IV. no. 154, and Craisson, § 5114, discuss what may be considered sufficient reasons. Can. 19 Elfric, A.D. 957: Let mass-priests sing in their churches the seven tide-songs that are appointed them. Concil. Lat. IV. A.D. 1215, in Decret. l. c. c. 9, requires them to attend the day hours and also the night office. Const. 4 Winch. A.D. 1205.

(74). Concil. Martini A.D. 572, Can. 64; Concil. Lat. IV. l. c.

although they have not yet been advanced to holy orders [75]. Formerly, in the Gallican Church, those who were absent three Sundays from the solemn service without good cause were ordered to be suspended for three years [76].

12. To enable them to fulfil these duties with less liability to interruption, they are required to abstain altogether from secular business [77], trade [78], and executorships [79]; from hunting [80], hawking, or gambling [81]; from feasting with

(75). Concil. Basil A.D. 1433, Sess. 21, says beneficiati seu in sacris constituti ad horas tenentur, folowing Concil. Lat. IV. l. c. c. 9; Craisson, § 5085.

(76). Concil. Agath. A.D. 506, Can. 64 ap. Gratian Caus. VII. Qu. l. c. 29.

(77). Apost. Can. 7 ap. Gratian I. Dist. LXXXVIII. c. 3: Let not a bishop, presbyter, or deacon undertake the cares of this world; if he do, let him be deprived. Concil. Elib. A.D. 305, Can. 19: Let not bishops, presbyters, and deacons go from their places for the sake of trading, nor frequent markets for gain. Concil. Carthag. I. A.D. 348, Can. 6 ap. Gratian Caus. XXI. Qu. III. c. 1; Concil. Carthag. III. Can. 15, *Ibid.* c. 3: Let neither bishops, presbyters, nor other clergy act as farmers or proctors, or obtain a livelihood in any dishonest way, because it is written, No one can serve God and be mixed up with secular affairs. Cyprian *Ibid.* c. 4–7; Concil. Chalcedon Can. 3 ap. Gratian I. Dist. LXXXVI. c. 26: Let no one for the future, be he bishop, clerk, or monk, hire possessions or undertake business, or intrude himself into worldly ministrations. Gelasius, A.D. 494, *Ibid.* I. Dist. LXXXVIII. c. 2; Concil. Tarracon. A.D. 517, Can. 2: Whoever would be in the clergy let him not follow the pursuit of buying cheap and selling dear. Concil Clovesho A.D. 747, Can. 8; Decret. Lib. I. Tit. XIX. and Lib. III. Tit. L.; Const. 8 Langton, A.D. 1222.

(78). Hieronym. ap. Gratian I. Dist. LXXXVIII. c. 9: Avoid as the plague a clerical trader, one who is rich instead of poor, courted instead of looked down on. Augustin *Ibid.* c. 10: Trading is sometimes allowed, sometimes not allowed. Before any one is an ecclesiastic he may trade, afterwards he may not. Gregory *Ibid.* c. 4, and Caus. XIV. Qu. III. IV. V.; Elfric's Can. 30, A.D. 957: Let no priest be a trader. . . . Edgar's Law 14, A.D. 960; Concil. London A.D. 1175, Can. 10. So 1 & 2 Vict. c. 106, sec. 29, forbids trading, and limits farming to 80 acres.

(79). Cyprian Ep. 65 ap. Gratian I. Dist. LXXXVIII. c. 14, and Caus. XXI. Qu. III. c. 4; Concil. Chalcedon A.D. 451, Can. 7; Stat. Eccl. Ant. A.D. 505, Can. 18, *Ibid.* c. 5; Const. 15 Boniface, A.D. 1261.

(80). Can. Apost. 43 ap. Gratian I. Dist. XXXV. c. 1; Edgar's Law 64, A.D. 960.

(81). Hieronym. ap. Gratian I. Dist. LXXXVI. c. 8; Concil. Epaon. A.D. 517, Can. 4; Concil. Agath. A.D. 506, Can. 55; Concil. Aurel. IV. A.D. 517, *Ibid.* I. Dist. XXXIV. c. 2, and Decret. Lib. V. Tit. XXIV. c. 1; Synod.

Jews ([82]) or those of ill repute ([83]), and from riotous wedding ([84]) or corse feasts ([85]). They are bidden, moreover, to be hospitable and kind to the poor ([86]), quiet in behaviour ([87]), and the associates of good men ([88]); not seeking to make a profit out of their ecclesiastical position ([89]), but to advance Christianity by word and example ([90]), and to put down heathenism, witchcraft, sorcery, and magic ([91]). In return they are entitled to be maintained by the Church ([92]), unless they have private means of their own ([93]).

Bonifac. *Ibid.* c. 3: To all the servants of God we forbid hunting and scouring the forest with dogs, or keeping hawks or falcons. Edgar's Law 64, A.D. 960: That no priest be a hunter.

(82). Concil. Venet. A.D. 465, Can. 12.

(83). Cap. 13 Theodulf, A.D. 994.

(84). Concil. Venet. Can. 11; Concil. Agath. A.D. 506, Can. 39 ap. Gratian I. Dist. XXXIV. c. 19: Etiam alienarum nuptiarum evitent convivia.

(85). Apost. Const. VIII. 44, and Hincmar's Cap. 14, A.D. 852, ap. Gratian I. Dist. XLII. c. 7, forbids presbyters to get drunk in celebrating trentals. Elfric's Can. 36, A.D. 957: Ye ought not to make merry over dead men, nor to hunt after a corpse. Const. 10 Stratford, A.D. 1343.

(86). Stat. Eccl. Ant. Can. 15, A.D. 505, ap. Gratian I. Dist. XLI. c. 7: Let a bishop keep a place for hospitality near to his church. Chrysostom *Ibid.* I. Dist. XLII. c. 2: In exercising hospitality there must be no distinction of persons. Egbert's Excerpt 26, A.D. 740.

(87). Stat. Eccl. Ant. Can. 59, A.D. 398, ap. Gratian I. Dist. XC. c. 1: Let a bishop, either by remonstrance or authority, bring unquiet clergy to agree. Can. 25, *Ibid.* c. 6: Let the synod reconcile quarrelsome bishops if the fear of God will not. Cyprian *Ibid.* c. 3.

(88). Cap. 13 Theodulf, A.D. 994: If any worthy father of a family invite you to his house, . . . then it is proper that you visit him with civility of mind and treat him with spiritual instruction who entertains you with the good things of this world.

(89). Gratian Caus. XII. Qu. III. and IV.

(90). Edgar's Law 52, A.D. 960: Priests ought always to give people a good example. Cap. 21 Theodulf, A.D. 994.

(91). Edgar's Law 16, A.D. 960; Cnut's Law 5, A.D. 1018; Concil. London A.D. 1126, Can. 15.

(92). Cyprian Ep. 33 (Oxf. 39), 5: I have purposed the honour of the presbytery for them . . . that they may share the monthly divisions. Ep. 65, 1; Concil. Antioch. A.D. 341, Can. 25; Concil. Martini ap. Gratian Caus. X. Qu. II. c. 7; Innocent III. in Decret. Lib. III. Tit. V. c. 16.

(93). Innocent III. l. c. c. 23.

13. In regard to marriage the mind of the Church has ever been this, that as St. Paul required the use of wedlock to be forborne for extraordinary devotions, so those who have given themselves to a life of devotion for the sake of others should as far as possible forbear from it altogether (94). In applying this rule to the circumstances of particular nations and countries considerable difference of practice exists, but married bishops, presbyters, or deacons appear to have been the exception rather than the rule in early times (95).

14. The Western and the Eastern Church alike agree in forbidding the marriage of bishops and presbyters after ordination (96), and of deacons also, unless before being ordained they give notice of their intention to marry (97). At the instance of

(94). 1 Cor. VII. This is mentioned as Clement's view by Eusebius III. 30. Dionysius to Basilides, A.D. 260, Can. 3: It is proper for them to abstain from each other by consent. Concil. Carthag. II. A.D. 390, Can. 2 ap. Gratian I. Dist. XXXI. c. 3: Bishops, presbyters, and deacons, as becomes the priests of God and all who wait on the Divine sacraments, should be continent in all things. Concil. Carthag. V. A.D. 401, Can. 3: It is ruled that bishops, presbyters, and deacons do abstain from their wives or otherwise be removed from their ecclesiastical office. Other clergy are not bound so to do, but to conform each to the rule of his own church. Concil. Telept. A.D. 418, Can. 9; Baeda *Ibid.* c. 2: Presbyters, that they may always assist at the altar, must always abstain from their wives.

(95). See letter condemning Paul of Samosata, A.D. 270, in Euseb. VII. 30. Tertullian ad Uxor. I. 7: Priesthood is a function of widowhood and of celibacies among the nations. On the other hand Socrates, v. 22, says, that in the East it is at the discretion of all clergy whether to abstain from their wives or not.

(96). Hippol. Haer. IX. 7, says, A.D. 222: If any one in holy orders were to get married [the heretic Calixtus] permitted such a one to continue in holy orders as if he had not sinned. Apost. Const. VI. 17: A bishop, a presbyter, and a deacon, when they are constituted, must be but once married, whether their wives be alive or whether they be dead. It is not lawful for them if they be then married to marry a second time. Concil. Neocaesar. A.D. 314, Can. 1 ap. Gratian I. Dist. XXVIII. c. 9: Let a presbyter who marries a wife be deposed from his order. Socrates II. 26; Concil. Carthag. II. A.D. 390, ap. Gratian I. Dist. LXXXIV. c. 3; Theodori Poenit. I. IX. 4, in H. & S. III. 185: If a presbyter or deacon take a strange woman to wife with the cognisance of the people, let him be deprived.

(97). Concil. Ancyr. Can. 10, A.D. 314, ap. Gratian I. Dist. XXVIII. c. 8.

Paphnutius the synod of Nicaea, in 325 A.D., refused to impose continence on such as were already married (98), and to that decision the Eastern Church still adheres. To all below the diaconate (99) marriage was formerly everywhere permitted, and in some places even marriage with a widow (100), provided those who contracted it were not under a vow of continence (101); but since the seventh century marriage is only permitted to those who have not as yet been advanced to the subdiaconate (102).

(98). Gratian I. Dist. XXXI. c. 12; Socrates I. 11: It seemed desirable to the bishops to introduce a new [*i.e.*, to the Easterns] law into the Church, that those who were in holy orders—I speak of bishops, presbyters, and deacons [Gratian adds subdeacons]—should have no conjugal relations with their wives whom they married prior to their ordination. . . . Paphnutius earnestly entreated them not to impose so heavy a yoke. . . . It would be sufficient, he thought, that such as had previously entered on their sacred calling should abjure matrimony, according to the ancient tradition of the Church, but that none should be separated from her to whom, while yet unordained, he had been legally united.

(99). Gregory, A.D. 594, ap. Gratian I. Dist. XXXII. c. 2; Concil. Tolet. IV. Can. 27, A.D. 633, *Ibid.* I. Dist. XXVIII. c. 3: Whenever presbyters and deacons are appointed throughout the administrative districts (dioceses), they ought first solemnly to promise the bishop that they well observe continence. Concil. Arelat. II. A.D. 461, Can. 2, *Ibid.* c. 6 and 7; Egbert's Excerpt. 159, A.D. 740.

(100). Martin, A.D. 572, ap. Gratian I. Dist. XXXIV. c. 18: If a reader have married a widow, let him remain in his readership, or if it be necessary be promoted to the subdiaconate, but not beyond.

(101), Leo IX. A.D. 1054, ap. Gratian I. Dist. XXXII. c. 14: Among clergy the Church permits only doorkeepers, readers, exorcists and collets to marry a virgin wife with the priest's blessing, if they are found free from the vow and habit of a monk, and refuse to profess continence. Elfric Can. 8, A.D. 957: That he who marries a widow or divorced wife, or he that marries a second time, be never admitted afterwards to any order.

(102). Leo, A.D. 446, ap. Gratian I. Dist. XXXII. c. 1; Gregory, A.D. 601, *Ibid.* c. 3, says those below holy orders may marry, Ep. I. 45 (Migne. LXXVII. 506). He afterwards, Epist. IV. 36 (Migne, p. 710), required them to separate from their wives, and to cease to minister. Synod Trull. A.D. 692, Can. 6, *Ibid.* c. 7: If any one of those who join the clergy wishes to be united to a woman in the nuptial bond, let this be done before he reaches the order of subdeacon. Leo IX. A.D. 1054, *Ibid.* c. 14, quoted note 101. Concil. London A.D. 1175, Can. 1, Decret. Lib. III. Tit. III.

In Africa, Spain, and Gaul clerks were, however, required, when they entered the clerical life and became readers, to make their choice whether they would marry or whether they would profess continence (103).

15. It is also the rule, both of the Eastern and the Western Church, not to promote married clergy into the higher degrees of holy orders(104). The Roman, the African, and the Gallican Churches not only forbid bishops, presbyters, deacons, and subdeacons to marry after ordination, but also require such as are married to refrain from living with their wives (105), excepting

(103). Concil. Carthag. III. A.D. 397, Can. 19 ap. Gratian I. Dist. XXXII c. 8: Let readers, when they come to years of maturity, be compelled either to marry or to profess continence. Concil. Tolet. II. A.D. 531, Can. 1, *Ibid.* I. Dist. XXVIII. c. 5, quoted under *Order*, note 274, requires them to be publicly interrogated whether they propose to marry or to profess continence. Egbert's Excerpt. 113, A.D. 740: Let young men, when they come to the age of puberty, either marry or profess continence.

(104). Concil. Taurin. A.D. 401, Can. 8: That those who have begotten children in their ministry be not advanced to any higher order. Concil. Araus. A.D. 441, Can. 24; Concil. Arelat. II. A.D. 443, Can. 2 ap. Gratian I. Dist. XXVIII. c. 6: One who is in the bond of wedlock ought not to b assumed into the presbyterate, unless he first profess conversion [*i.e.*, the monastic life]. Pelagius *Ibid.* c. 13, and Gregory *Ibid.* c. 4, object to a married man being promoted to the episcopate.

(105). Concil. Arelat. II. Can. 43 ap. Gratian I. Dist. XXVIII. c. 7, forbids deacons to be ordained unless they first promise conversion [*i.e.*, a monastic rule]. Gregory *Ibid.* c. 1, says the same as to subdeacons. Concil. Elib. A.D. 305, Can. 33: Bishops, presbyters, and deacons, and all discharging ministerial offices, are to abstain from their wives and not beget children, or otherwise to be deposed from the honour of clergy. Concil. Carthag. II. A.D. 390, Can. 2 ap. Gratian I. Dist. LXXXIV. c. 3: It is unanimously decreed that bishops, presbyters, and deacons, and those who handle the sacraments, abstain from their wives. It is decreed that in all degrees continence be observed by all who wait on the altar. Concil. Carthag. V. Can. 3, A.D. 401, *Ibid.* I. Dist. XXXII. c. 13: It is decreed that bishops, presbyters, and deacons, in accordance with earlier canons, abstain from their wives or be removed from office. Concil. Araus. A.D. 441, Can. 23; Concil. Gerund. A.D. 517, Can. 6; Concil. Arvern. A.D. 535, Can. 13; Gregory *Ibid.* c. 2, 9, 11, 18; Concil. Turon. II. A.D. 567, Can. 10 and 12; Concil. Autissiodor. A.D. 578, Can. 21; Concil. Matiscon. A.D. 581, Can. 3: Let no woman

unattached rural clergy living isolatedly in castles or hamlets, who, therefore, would consecrate the Eucharist only at distant intervals (106). When in the eleventh century castles and hamlets came to be constituted cures of souls, many canons were passed to include the non-collegiate as well as the capitular clergy in the rule of continence (107), but these canons were in this country

enter the bishop's bedroom unless two presbyters or deacons are present. Concil. Lugdun. III. A.D. 583, Can. 1; Dunstan, Can. 40, A.D. 963: If a mass-priest had a lawful wife before he was ordained, and dismisses her and takes orders, and then comes together with her again, let every one of them fast as for murder.

(106). Concil. Tolet. I. Can. 7, A.D. 400, ap. Gratian Caus. XXXIII. Qu. II. c. 10, after mentioning, in Can. 5, churches in castello, vicu et villa, makes provision for the wives of priests falling into grave sin. Gregory to Augustin, A.D. 601, in Baeda I. 27, mentions isolated secular clergy, "not received into holy orders," whom he allows to retain their wives. Egbert's Excerpt. 159, A.D. 740: If there be any vulgar clerks not in holy orders, *i.e.*, who are neither presbyters nor deacons, that cannot contain themselves, they ought to have wives, and to receive their stipends apart from the rest. Law 35, Northumbrian priests, A.D. 950, possibly referring to a Church: If a presbyter dismiss one wife and take another, let him be anathema. Concil. Winton, A.D. 1076, Can. 1: That no canon have a wife. That such presbyters as live in castles and villages [Conf. Gratian I. Dist. LXXX. c. 3, *i.e.*, rural as distinguished from collegiate and chapter clergy] be not forced to dismiss wives if they have them, but such as have not are forbidden to have any. For the future let bishops take care to ordain no man, presbyter or deacon, unless he first profess that he hath no wife.

(107). Alexander II. A.D. 1065, ap. Gratian I. Dist. LXXXI. c. 16; Urban II. A.D. 1089, *Ibid.* I. Dist. XXXII. c. 10: Those who after the subdiaconate wish to devote themselves to their wives, we remove from every sacred order and deprive of office and benefice. Concil. Westminster, A.D. 1102, Can. 4: That no archdeacon, presbyter, deacon, or canon marry a wife or retain her if he be married. That every subdeacon be under the same law, though he be not a canon, if he had married a wife after he made profession of chastity. Concil. London A.D. 1108, Can. 9: Presbyters who choose to leave their women and to serve God and His holy altars shall have vicars to officiate for them during the forty days in which they are to desist from their office. Concil. Rem. A.D. 1119, Can. 5, and Concil. Lat. I. A.D. 1123, Can. 21, *Ibid.* I. Dist. XXVII. c. 8: We altogether forbid presbyters, deacons, subdeacons, and monks to have concubines or to contract marriage. We judge that marriages contracted by such persons should be dissolved, and themselves reduced to penance, according to the

largely evaded. And since continence is not obligatory by Divine rule, except when ministering at the altar (108), diversities of circumstances justify, within certain limits, diversity of practice in relation thereto (109).

16. In this country not only is marriage now allowed to all the clergy, collegiate as well as rural, by custom based upon secular legislation (110), but the custom has extended to bishops as well as to presbyters and deacons, and their marriage, and even their remarriage, is tolerated after as well as before ordination, for which there is no precedent elsewhere. Such toleration cannot, however, exempt them from observing the canonical rule which

determinations of the holy canons. Concil. Westminster, A.D. 1127, Can. 5; Concil. Lat. II. A.D. 1139, Can. 6 ap. Gratian I. Dist. XXVIII. c. 2: Those who, being in the order of the subdiaconate or any higher order, have married wives or keep concubines, we order to be deprived of office and benefice. Can. 7, *Ibid.* Caus. XXVII. Qu. l. c. 40: We order that bishops, presbyters, deacons, subdeacons, regular canons, monks, and converted persons professed, who, transgressing the holy canons, have presumed to take wives to themselves, be separated. Alexander III. in Decret. Lib. IV. Tit. VI. c. 2, declares the marriage of a subdeacon a nullity. Concil. London, A.D. 1175, Can. 1: If any presbyter or beneficed clerk publicly keeps a woman and does not dismiss her upon a third admonition, let him be deprived. Any under subdeacons must keep their wives if they are married . . . but they are not to be beneficed if they live with their wives. Concil. Lat. IV. A.D. 1215, Can. 14 in Decret. Lib. III. Tit. l. c. 13; Const. 3 and 4 Edmund, A.D. 1236; Const. 16 Otho, A.D. 1237: We charge that where clerks in holy orders keep women publicly in their houses or churches, they do wholly discard them within a month. Const. 8 Othobon, A.D. 1268, gives archdeacons power to enforce the canons, also Const. 5 Peckham A.D. 1279; Lynd. 44.

(108). Decret. Joan. XXII. Tit. VI.

(109). Theodore ap. Gratian I. Dist. XXIX. c. 2: The rules of the saints must be regulated according to the diversities of circumstances. Accordingly Nicolaus, A.D. 866, ap. Gratian I. Dist. XXVIII. c. 7, refused to depose a married priest. Concil. Lat. IV. Can. 14, A.D. 1215, in Decret. Lib. III. Tit. l. c. 13, speaks of some "who, according to the custom of their locality have not abandoned the conjugal tie."

(110). 2 and 3 Ed. VI. c. 21, and 5 and 6 Ed. VI. c. 12, A.D. 1552, made such marriages good in law. The permission was made perpetual by I Jac. l. c. 25, sec. 50.

requires conjugal abstinence from all who offer the Lord's oblation ([111]), nor does the general dispensation to marry exonerate them from the rules as to persons they are forbidden to marry ([112]). To avoid scandal, women are not allowed to dwell under the roof of the unmarried clergy, except a mother, a sister, an aunt, or some other person above suspicion ([113]).

(111). Siricius, A.D. 385, ap. Gratian I. Dist. LXXXII. c. 3; Innocent, A.D. 405, *Ibid.* c. 2: Nor is it right that they should be admitted to sacred offices who exercise carnal intercourse with a wife, because it is written: Be ye holy, even as I am holy. Concil. Telept. A.D. 418, Can. 9: We persuade also what is worthy, chaste, and honest, that presbyters and deacons do not live with their wives, because daily calls are made upon them in their ministry. Syn. Trull. A.D. 692, Can. 13 ap. Gratian I. Dist. XXXI. c. 13, § 1: Those who minister at the altar ought at the time of the oblation of the holy things, to be continent in all things, that they may obtain from God what they ask in simplicity. Concil. Clovesho. A.D. 747, Can. 22, requires presbyters to keep themselves ready to communicate. Elfric. Can. 7, A.D. 957: The bishop under the old law might marry an uncorrupted maid, and might use her at set times, because one only family could be of that order, and that always, and he must marry but once, and then not a widow or divorced wife but a maid; and they might well have a wife in those days, for then they never celebrated mass nor houseled men. Theodori Poenit. A.D. 673, II. XII. 1, in H. & S. III. 199: Those who are in the married state should practise continence for three nights before communicating. See *The Eucharist*, note 270.

(112). See order, § 47, notes 298–300. Athenagoras, Plea for the Christians, c. 33, A.D. 177: A second marriage is only a specious adultery.

(113). Ramsay, The Church under the Roman Empire, has shown that in Asia Minor women held an advanced position, very different from their position elsewhere. Yet in this locality the synod which condemned Paul of Samosata, A.D. 270 (in Euseb VII. 30), charges him with having employed women to sing, and adds: It was a duty to avoid at least the suspicion growing out of the introduction of adopted sisters. Concil. Nic. Can. 3 ap. Gratian I. Dist. XXXII. c. 16: The great synod strictly forbids bishops, presbyters, deacons, and all clerks to retain any woman in their houses, but only a mother, sister, aunt, or other person above suspicion. Concil. Carthag. III. A.D. 397, ap. Gratian I. Dist. LXXXI. c. 27; Siricius, A.D. 385, *Ibid.* I. Dist. LXXX. c. 31; Gelasius, *Ibid.* I. Dist. LXXXI. c. 23–25; Syn. VII. A.D. 787, *Ibid.* c. 26; Can. 5 Elfric, A.D. 957; Concil. Ilerd. A.D. 523, Can. 15, directs clergy familiar with strange women who, after two warnings, neglect amendment, to be deprived so long as they continue in vice, but to be restored after correction.

The Particular Duties of the Several Degrees in Order.

The Presbyterate.

17. The particular duties of the presbyterate as the highest degree in the ranks of order are twofold. 1 Towards the world presbyters are in a special sense representatives of Christ, because they represent to it His Body, the Church. Hence they are said to be the salt of the earth and the light of the world (114). 2 Towards the Church they are also representatives of Christ (115), in that as His ambassadors they discharge for it (1) mediatorial or intercessory, (2) magisterial or teaching, and (3) pastoral or governing duties. Hence they are also called the hands of the great High Priest, and their duties are said to be to preside, to consecrate the Body of Christ, and to preach (116). The fulfilment of these duties properly rests with them collectively, as joint-partakers in one undivided office, but the distribution of the duties of office among themselves is a matter of local arrangement (117).

(114). Tit. i. 9; Pseudo-Ambros. de Dign. Sac. i. 6; Hieronym. ap. Gratian, Caus. ii. Qu. vii. c. 29, and 1 Dist. xciii. c. 7; Concil. Turon. a.d. 460, Can. 7; Alcuin to Ethelhard in H. & S. iii. 476.

(115). Luke x. 16: He that heareth you heareth Me. Polycarp ad Phil. c. 5, a.d. 112: Obey the presbyters and deacons as God and Christ.

(116). Concil. Ancyr. a.d. 314, Can 1, defines the duties of presbyters as (1) offering, (2) teaching, and (3) partaking of the honour of the chair, *i.e.*, governing. *Id.* ap. Gratian i. Dist. l. c. 32 forbids a lapsed presbyter (1) to offer, (2) to preach, or (3) to do any other priestly office. The pagan Lucian describes Peregrinus as (1) an instructor (προφήτης), (2) a leader of worship (θυσιάρχης), and (3) a disciplinarian (συναγωγεύς). Isidor. de Eccl. Offic. ii. 7, a.d. 625, describes the presbyter's duties as (1) to assist the bishop in consecrating, (2) in teaching, and (3) in presiding over Churches of Christ. The same three duties are brought out in the address to presbyters at ordination in the Pontifical quoted by Maskell Mon. Rit. ii. 214.

(117). Eph. iv. 11 distinguishes ποιμένες (pastoral presbyters) from

18. The mediatorial duties of the presbyterate consist in continuously displaying Christ before the world as the Way to God, and therefore unceasingly interceding for all [118] and offering the sacrifice [119] for the living and the dead [120]. It is the presbyter's duty to intercede (1) for unbelievers, that they may be brought to the faith; (2) for catechumens, that the door of heavenly mercy may be opened to them;

διδάσκαλοι (teaching presbyters); Hermas Vis. III. 5, 1, ἐπίσκοποι (disciplinary presbyters) from διδάσκαλοι (teachers). Cyprian Ep. 23 (Oxf. 29) mentions teaching presbyters as a class by themselves. Epiph. Haer. 42, 2; Euseb. VII. 24. In the Greek Church of to-day a presbyter is not a penitentiary or disciplinarian unless he is appointed. See *Penance*, note 19.

(118). James v. 14-16 attributes to presbyters a ministry of healing both body and soul by their prayers. Cyprian Ep. 63 (Oxf. 65), 2 says that a lapsed bishop "cannot claim to himself the priesthood of God, nor make any prayers for his brethren in His sight." In Eus. III. 23 St. John says to the robber: I will intercede with Christ for thee. Cyprian Ep. 67, 2: We ought to choose none but unstained and upright ministers for priests, who may be heard in the prayers which they make for the safety of the Lord's people, since it is written, God heareth not a sinner. . . . Those should be chosen for God's priesthood whom it is manifest God will hear. Ep. 65: Every one honoured by the Divine priesthood . . . ought to serve only the altar, and give his whole time to prayer. Prayer of Pseudo-Ambrose ap. Migne XVII. p. 754, c. 5: Since Thou hast appointed me, a sinner, to be intermediary between Thee and Thy people. Concil. Clovesho A.D. 747, Can. 10: Lest they be found ignorant in these intercessions which they make to God. Egbert's Excerpt. 160, A.D. 740: It becomes good secular men to be defenders of the Church, but it concerns spiritual men to be intercessors for all the people of God. Syn. Trull. A.D. 692, Can. 13, requires priests to be continent, "that they may obtain from God what they ask in simplicity." Alcuin to Ethelhard l. c. p. 477 says: Vos intercessores saecularium. Alfred Boethius, c. XVII. calls presbyters "gebedmen," *i.e.*, praying men. See *Order*, § 3; *Baptism*, note 268; Craisson, § 1726.

(119). Apost. Const. VIII. 5, the prayer for a bishop is: That he may appease Thee unceasingly, and present to Thee the gifts of Thy holy Church. Freeman Principles I. 209: What is priesthood but the power to present acceptably.

(120). Apost. Const. VIII. 44: When invited to the memorials of the dead, feast with good order . . . as disposed to intercede for those that are departed.

(3) for the lapsed, that they may receive the benefit of penance (121); (4) for the faithful individually, that every change in life may increase their holiness (122); and (5) for the whole Church, that its offering may be hallowed to be the memorial before God of the sacrifice of Christ (123). Hence the duties of the presbyterate are said to consist in solemnly offering (offerre) or privately consecrating (conficere) the Eucharist, in blessing the people, in praying for sinners, and in baptizing (124).

(121). Roman Clergy to Cyprian Ep. 30, 6; Coelestin, A.D. 425, ap. Labbé II. 1616: When the prelates of the holy congregations discharge the legation committed to them, they plead the cause of mankind before the Divine clemency, and the whole Church mingling its sighs with them, they beseech and pray that the faith may be granted to infidels, that idolaters may be delivered from the error of their impiety, that the light of truth may appear to the Jews, that heretics may recover, that schismatics may receive the Spirit of reviving charity, that the remedy of penitence may be conferred on the lapsed, that to catechumens brought to the sacrament of regeneration the court of heavenly mercy may be opened. Heb. v. 2 speaks of a priest "bearing gently with the ignorant and erring." Hugo de St. Victor, ap. Maskell Mon. Rit. II. 247: Priests perform the office of mediator in that they make intercessions with God for the sins of the people . . . and offer the people's prayers to God in interceding for sinners.

(122). Augustin Epist. 149, 16: Intercessions are made when the people are blessed, for then the prelates like advocates, by means of the imposition of the hand, present them to the all-merciful Majesty. Nicolaus, A.D. 864, ap. Gratian Caus. XXXI. Qu. II. c. 4; Forms of Espousal 8, A.D. 946: The mass-priest shall be at the marriage, who shall celebrate their coming together with God's blessing. Concil. London A.D. 1175, Can. 17: Let no faithful man marry in private but in public, by receiving the priest's blessing.

(123). Hieronym. adr. Lucifer. III. 1672: The function of a presbyter is to obtain by his prayer the coming of the Lord in the Eucharist, and if he be a bishop to consecrate the oil of chrism, to lay on hands, to make Levites presbyters. *Id.* Ep. ad. Heliodor.: [Presbyters] make the Lord's Body by the sacred prayer (sacro ore).

(124). Ambros. ap. Gratian Caus. XVI. Qu. 1. c. 21, enumerates the presbyter's duties as baptizing, preaching, giving penance. Apost. Const. III. 20: The presbyter's office is to teach, to offer, to baptize, to bless the people; c. 28: A presbyter blesses, but does not receive the blessing, except from a bishop or fellow-presbyter. Hieronym. *Ibid.* I. Dist. XCV.

19. The magisterial duties of the presbyterate consist in exhibiting Christ before all men as the Truth, and therefore teaching by word and example the truth committed to the Church ([125]) concerning both doctrine and morals. In some parts of the Church public instruction was formerly given by all the presbyters in succession, the bishop having the last word ([126]); in others presbyters gave instruction in morals and discipline, the teaching of doctrine being reserved to the

c. 6: Because it is written [1 Tim. v. 17], Presbyters shall be worthy of double honour who labour in the word, it is seemly for them to preach, useful for them to bless, suitable for them to confirm, becoming for them to give communion, necessary for them to visit the infirm, to pray for the sick, and to fulfil all the sacraments of God. Gregory *Ibid.* Caus. XVI. Qu. I. c. 24, enumerates the presbyter's duties as preaching, baptizing, communicating the people, praying for sinners, imposing penance and forgiving sins. Concil. Clovesho A.D. 747, Can. 9, says baptizing, teaching, and visiting, which Can. 11 enumerates as baptizing, teaching, judging, showing that visiting or judging is what Ambrose calls giving penance, and includes what Gregory calls imposing penance and forgiving sins. Egbert's Pontif. p. 366: It is the duty of the presbyter to bless, to offer, to preside (praeesse) well, to preach, to baptize, to give communion, where praeesse means ruling and governing in the inner tribunal, that of penance. Lacy's Pontifical, p. 87: Sacerdotem oportet offerre, benedicere, precare (? praeesse), praedicare, conficere et baptizare. Ordo Romanus ap. Hittorp. p. 93, says offerre, benedicere, praeesse, praedicare, baptizare.

(125). Acts XX. 29, 30; 1 Thess. v. 12; 1 Tim. III. 2; v. 17; Tit. I. 9 recognise teaching as the duty of presbyters. Iren. Haer. IV. 26, 2 speaks of the presbyters as having "the certain gift of truth;" and v. 20, 7 of the audacity of questioning their knowledge of the faith; III. 2, 2 and 3, 1 speaks of the succession of the presbyters being the guarantee of tradition. Apost. Const. II. 57 speaks of preaching as the right of presbyters. *Ibid.* VIII. 16, the bishop prays that the presbyter, filled with powers of healing and the word of teaching, may in meekness instruct God's people. Hieronym. ap. Gratian I. Dist. XCV. c. 6, says it is proper for presbyters to minister the sacraments, and to preach in the presence of the bishop. Leo, A.D. 453, *Ibid.* Caus. XVI. Qu. I. c. 19; Excepting the priests (sacerdotes) of the Lord, let no one presume to preach.

(126). Apost. Const. II. 57: Let the presbyters one by one, not all together, exhort the people and the bishop in the last place, as being the commander. Sylvia in Duchêsne Origines, p. 474, describes this as the practice of the Church of Jerusalem in the 4th century.

bishop (127). In others, again, after the outbreak of the Arian heresy, all public teaching was reserved to the bishop (128). By Western rule individual presbyters (129) are not allowed to act as public preachers, unless either (1) they are intrusted with a cure of souls, as parochial incumbents (130); or (2) are masters or doctors in theology, when they are deemed to have a commission from some theological faculty; (131) or (3) are otherwise specially delegated thereto by the bishop.

20. The pastoral duties of the presbyterate consist in communicating Christ to others as the Life, by feeding the flock as stewards with the Divine mysteries (132), and exercising over

(127). Clem. Recog. III. 66: Hear [the bishop] with all attention and receive from him the doctrine of the faith; and from the presbyters the monitions of life, and from the deacons the order of [ceremonial] discipline.

(128). Socrates v. 22; Cyprian Ep. 55 (Oxf. 58), 4 bids them not to be disturbed at not seeing the brotherhood gathered together, nor hearing the bishops discoursing. Possidonius in Vit. Augustin c. 5, vol. x. 260, says that Valerius, Bishop of Hippo, was the first who departed from this rule by allowing Augustin to preach before him. Chrysostom preached many sermons as a presbyter at Antioch, A.D. 386, Hom. 3 in Ep. I. ad. Cor. c. 3.

(129). Innocent III. in Decret. Lib. v. Tit. VII. c. 2, forbids self-appointed persons to preach. Const. 1 Arundel, A.D. 1408: We ordain that no secular or regular, unless authorised by the written law or by special privilege, take to himself the office of preaching.

(130). 2 Tim. II. 2: *ἱκανοὶ ἑτέρους διδάξαι*; 1 Tim. III. 2: *διδακτικός*, v. 17; Tit. I. 9: *παρακαλεῖν ἐν τῇ διδασκαλίᾳ*; Concil. Tolet. VIII. A.D. 653, Can. 8: It is the business of presbyters to teach others, and to set them an example of life and manners. Concil. Clovesho, A.D. 747, Can. 1 and 8: That others, by the example and advice of presbyters, may be incited to the service of God. Egbert's Excerpt 3, A.D. 740: That on all feast and Lord's days every presbyter preach Christ's gospel to the poor. Elfric. Can. 23, A.D. 957; Edgar's Law 52 and 66, A.D. 960: That every priest both teach well and give a good example; Cap. 28 Theodulf, A.D. 994. Innocent III. in Decret. Lib. III. Tit. I. c. 10; Const. 10 Langton, A.D. 1222: We strictly command parochial incumbents to feed the people with the word of God as God inspires them with it, lest they be justly thought dumb dogs. Const. I. Arundel, A.D. 1408; Lynd. 288 says: By written law or by special privilege, Can. 50, A.D. 1603.

(131). 13 Eliz. c. 12 sec. 6; Ayliffe 354.

(132). Luke XII. 41–43; XXII. 29: I appoint unto you a kingdom.

it the discipline which makes for holiness. They include (1) giving or withholding the communion and other sacraments, (2) imposing canonical punishments (133), and (3) as a necessary consequence deciding controverted points of faith and morals (134). These duties belong to the presbyterate collectively. The single presbyter's commission is confined to the private administration of them within prescribed limits (135), and is therefore said to be a commission of the inner tribunal only.

Col. I. 13; Rev. I. 9; 1 Tim. v. 15 calls them *οἱ προεστῶτες πρεσβύτεροι*. Tit. I. 7: *θεοῦ οἰκονόμους*. In Acts xx. 28 the presbyters of Miletus are exhorted to feed (*ποιμαίνειν*) the flock. Iren. III. 3, 1 says that the Apostles delivered up their own place of government to the presbyters, to whom they committed the Churches. Cyprian Ep. 54 (Oxf. 59), 5: Priests, that is God's stewards, are ordained by His decree. *Ibid.* § 20, speaks of the distinguished clergy who preside with Cornelius at Rome. *Id.* adv. Judaeos III. 66: I will give to you shepherds according to Mine own heart, and they shall feed the sheep, feeding them with discipline. In Apost. Const. VIII. 16 the ordainer prays that the presbyter "may help and govern Christ's people with a pure heart;" VIII. 44: The presbyters and the deacons are those of authority in the Church next to God Almighty and His beloved Son. Hieronym. quoted above, note 26; Isidor. Sent. III. 33–37. The Gallican ordination-prayer ap. Duchêsne, p. 345, asks "that they may exercise a censorship of morals by the example of their own conversation." Concil. Aquisgran. A.D. 806, Can. 8: To presbyters equally with bishops is committed the dispensation of the mysteries of God.

(133). 2 Cor. v. 18; x. 8; 1 Tim. I. 20; Tertullian Apol. c. 39: Castigations and sacred censures are administered. With great gravity is the work of judging done as before qualified (certos) persons [deputed] from the face of God.

(134). Luke x. 16.

(135). Concil. Elib. A.D. 305, Can. 32 reserves to bishops the giving of penance for greater crimes. Concil. Carthag. II. A.D. 390, Can. 3 and 4; Concil. Hippo A.D. 393, Can. 30, only allows a presbyter to admit to communion in case of necessity. Pseudo-Alcuin ap. Hittorp. p. 50, allows a deacon to give penance where there is no presbyter, but declares that to bishops or presbyters have been given the keys of the kingdom of heaven. Rabanus Maur. De Cler. Inst. II. 30 declares a bishop or presbyter to be the minister of private penance, but the bishop, or the presbyter by order of the bishop, the minister of public absolution. Lynd. 335.

The Episcopate.

21. Two views are current as to the relation of the episcopate to the presbyterate. According to one, the full power of order, *i.e.*, the spiritual gift necessary for the government of the Church, resides in the presbyterate equally with the episcopate, and presbyters collectively have succeeded to the place of the apostolic college ([136]). Since, however, according to Roman law, the act of any member of a college was deemed as authoritative as the act of all, to prevent lawlessness and confusion, the power of order was generally placed under restraint and concentrated for exercise in certain chief presbyters or bishops ([137]), who are

(136). Ignat. ad. Magnes. c. 6: Your bishop presides after the likeness of God, and the presbyters after the likeness of the council of the apostles; ad Trall. c. 3 and 4: Reverence the presbyters as the Sanhedrim of God and assembly of the apostles. *Id.* ad Smyrn. c. 8: Follow the presbyterate as the apostles. Iren. III. 3, 1, quoted note 132; IV. 26, 2: Even the presbyters who possess the succession from the apostles. Apost. Const. II. 26: Let the presbyters be esteemed by you to represent the apostles. Cyprian Ep. 68; Pontius, Vita Cypriani c. 5, says that Cyprian was advanced simultaneously to the office of the priesthood and the degree of the episcopate. Damasus, in Lib. Pont. p. 49, writes to Jerome: Pray for us, brother and fellow-priest. Hieronym. ap. Gratian I. Dist. XCIII. c. 24: The apostle teaches that presbyters are the same as bishops. . . . Presbyter and bishop (overseer) are names of age and dignity respectively. Concil. Aquisgran. A.D. 806, Can. 8: To presbyters equally with bishops is committed the dispensation of the mysteries of God. Only because of the authority of the supreme priesthood is the ordination and consecration of clerics reserved, lest discipline exercised by many should resolve concord. Bernaldus of Constance, A.D. 1088, De Presbyt. Offic. Tract. ap. Giesseler, § 30: Presbyters and bishops were anciently the same, and had the same power of binding and loosing, and other things now peculiar to bishops. But when they were restrained by episcopal excellence, that became unlawful which was lawful before.

(137). Apprehending the lawlessness of the last days (2 Tim. IV. 6–8), St. Paul, in the latter days of his life, desired to stir up the gift of government by focussing it to prevent divisions. Clem. Ep. 1 ad. Cor. c. 42, 44; Hieronym. ap. Gratian I. Dist. XCV. c. 5: Formerly presbyter meant the same as bishop. . . . But when each one said those whom he baptized were his and not Christ's, it was universally decreed that one selected from among the presbyters should be placed over the rest, to

now alone regarded as having succeeded to the full authority of apostles to represent Christ (138). According to this view, the episcopate is an accession of authority and a position of honour which has been introduced into the Church by Divine appointment (139) to uphold unity (140), but not an order having a

whom the care of the whole Church should belong. . . . As, therefore, presbyters know that by the custom of the Church they are subordinate to him who is placed over them, so should bishops know that they are superior to presbyters by custom rather than the truth of the Lord's dispensation, and that they ought to govern the Church in common. Elfric. Can. 17, A.D. 957: There is no more between a bishop and a presbyter but that the bishop is appointed to ordain and to bishop children, and to hallow Churches, and to take care of God's rights. Lancelotti Inst. Jur. Canon. I. Tit. XXI. c. 3: When many presbyters were constituted in every Church, for a remedy of schism it came to pass that one was chosen to be set above the rest. Euseb. X. 4; Apost. Can. 40: Let not the presbyters and deacons do anything without the bishop, for it is he who is intrusted with the Lord's people.

(138). In 2 Cor. II. 5–11, St. Paul forgives, in the person of Christ, the sin he had retained. Ignat. Trall. c. 2: When ye are subject to the bishop as to Jesus Christ, ye appear not to live after the manner of men. Cyprian Ep. 41 (Oxf. 45), 3: Unity [was] delivered by the Lord and through His apostles to us their successors. *Id.* ad. Firmilian. Ep. 75 applies the words, He that heareth you, &c., to the apostles, and "hereby to all presidents who succeed to the apostles by vicarious substitution (vicaria ordinatione)." Euseb. I. 1: It is my purpose to record the successions of the holy apostles; III. 4; and V. 20, and I. 12, calls them apostles, in imitation of the twelve, such as Paul. Hieronym. Epist. 41: With us, bishops hold the place of apostles. Concil. Carthag. VII. in Routh. Rel. Sacr. III. 130: The mind of our Lord Jesus Christ is manifest, who sent His apostles and gave to them alone the power which He had received from His Father, to whom, by the same power, we have succeeded, governing the Church and baptizing the faith of believers. Pseudo-Isidor. ap. Gratian. Caus. II. Qu. VII. c. 38: The apostles and their successors have decreed. Urban. II. *Ibid.* I. Dist. LXVIII. c. 6: Whose place bishops hold in the Church, Augustin has shown when he said: Instead of fathers thou shalt have sons [Ps. XLV. 16]. The apostles were sent as fathers. Instead of the apostles we have sons, *i.e.*, bishops have been appointed. Innocent. III. in Decret. Lib. I. Tit. XV. § 7.

(139). Ignatius Phil. 7: The Spirit proclaimed these words, "Do nothing without the bishop." *Id.* ad. Ephes. 3: Bishops settled everywhere, to the outmost bounds, are so by the will of Jesus Christ. *Ibid.* c. 6: We should look upon the priesthood (episcopate) even as we would upon the

distinct sacramental character (141). The other view considers that the full power of order resides only in the episcopate, from which it must follow that the presbyterate is an imperfect sacramental order.

22. The historical evidence seems to show that in apostolic times the government of the Church was committed to two sets of officers—(1) those who had a universal commission, consisting of the apostles themselves and other apostolic men, variously called in the New Testament apostles, prophets, teachers and evangelists (142); and (2) those who had only a

Lord Himself. *Ibid.* ad. Trall. 13: Submit yourselves to the bishop as to the commandment. *Id.* ad. Magnes. c. 6: The bishop presides in the place of God. Hilary, A.D. 375, Quaest, in Nov. Test. c. 1: Because all things are from God, he hath decreed that each Church should be presided over by one bishop. Albinus Flaccus de Div. Offic. ap. Hittorp. 72, calls the episcopate praecelsior locus honoris and major gradus.

(140). Cyprian Ep. 55, 24: As there is one Church of Christ diffused over the whole world in many branches, so there is one episcopate of many bishops diffused in number but concordantly agreeing.

(141). Peter Lombard, Thomas Aquinas, Bonaventura, in 4 Sent. Dist. 24, say so expressly. Also Lynd. 119, 309: Episcopatus non est ordo quoad sacramentum, 222, who also states, 153, that sacramental order does not include bishops, because bishops constitute an order of jurisdiction. Morinus de Sacr. Ord. Pars. III. Exer. 3, c. 1: The Council of Trent Sess. XXIII. c. 7 declares the episcopate to be a character, but as Lynd. 117, Benedict XIV., and Craisson, § 6596, point out, the character is the same character as that given in the presbyterate, given in the presbyterate as a *potestas ligata*, and in the episcopate unbound, so that the episcopate is the extension and completion of the presbyterate as to authority, but not as to spiritual capacity. Beveridge, Codex Can. II. c. 11; Devoti Lib. I. Tit. II., § 13; Ayliffe 114; Liebermann VI. 819, Perrone Praelect. Theol. 1845, p. 267: If a degree in the presbyterate comes under the name of order, the episcopate is a sacramental order; but if by order the rite of bestowing the presbyterate is understood, the common opinion of the scholastic doctors is that the episcopate is not an order distinct from the presbyterate. Cavagnis II. 101.

(142). In Acts XIII. 2, prophets and teachers appear as conducting worship (λειτουργούντων αὐτῶν), Ananias as baptizing (Acts IX. 18). In Διδαχή, XIII. and XV. 2, prophets appear as travelling instructors, who have liberty, if they choose, to settle in any Church, and to whom the first-fruits are, in that case, to be paid, for the maintenance of themselves and the poor. Quadratus is called a prophet by Euseb. III. 37, V. 17;

local commission, the presbyters and deacons of each city (143). To both of these classes was committed the full power of order necessary for the government of the Church (144), yet so that being committed to them collectively, the local officers were subject to the supervision of those holding the universal commission. On the death of the apostles and other primary holders of the universal commission, their lower duties appear to have been discharged by the various members of the local colleges; the presbyters becoming local teachers, the deacons local evangelists, and readers succeeding to the lower duties of the prophet's office (145).

23. The higher duties of the prophet's office, including the general supervision of all the Churches and the guardianship of their external as opposed to their internal relations, appears to have been placed under the charge of a few leading presbyters (146), such as Clement, Ignatius, and Polycarp, each

Iren. IV. 33, 6; II. 32, 4. When Clement wrote to the Church of Corinth in A.D. 98, it appears to have had no single local bishop of its own. On the other hand, Ignatius, in 112 A.D., writes to the Churches of Asiatic towns to obey their bishops. Euseb. III. 37 speaks of evangelists having the prophetical gift, and relates how those who "held the first rank in succession to the apostles" travelled about teaching everywhere.

(143). Phil. I. 1; Titus I. 5–7. Duchêsne, Fastes Episcopaux, p. 36.

(144). Διδαχή, 15. 1: Elect for yourselves overseers (*i.e.*, presbyters) and deacons worthy of the Lord, . . . for they, too, minister to you the ministry of the prophets and teachers.

(145). Ignatius ad Phil. 7 claims to have received a revelation from the Spirit. Martyrdom of Polycarp c. 16 calls him "an apostolic and prophetic teacher and bishop of the Catholic Church." The reader's office is derived from the prophet's by all the canonists. See below, § 45. The deacon still retains his function of reading the Gospel.

(146). These appear to be "the rulers," as distinct from the presbyters of Clem. I. Cor. 1 and 21, the ἡγούμενοι of Acts XV. 22 and Heb. XIII., the προηγούμενοι, as opposed to the πρωτοκαθεδρῖται (presbyters) of Hermas Vis. III. 97; the distinguished (ἐλλόγιμοι) men as opposed to the approved (δεδοκιμασμένοι) men of Clem. I. 44: The apostles appointed the aforesaid [presbyters and deacons], and subsequently instituted a means of continuation (ἔδωκαν ἐπινομήν), in order that when they fell asleep other approved men might succeed to their ministry. Teaching of Addaeus, p. 29: When the apostle Addaeus fell ill of the sickness of which he

of whom supervised those parts of the Church with which he was more immediately brought into contact. Ultimately a representative from every presbyteral college was associated in the work of oversight, and, by way of safeguard against Montanist errors, received a solemn imposition of hands distinct from that given to presbyters in general (147), whereby he was authorised to represent the apostolic college to those to whom he was sent, and received an extension of the gift he already possessed to enable him so to do. These representative presbyters being too modest to assume for themselves the title of apostolic presbyters, were then exclusively called supervisors or bishops (148) and rulers (rectores) (149). After-

departed from the world, he called for Aggaeus, and made him guide and ruler in his stead. Teaching of the Apostles, Can. 5, p. 39; Can. 17, p. 41 and 45: After the death of the apostles there were guides and rulers in the Churches, and whatsoever the apostles had committed to them they continued to teach. Clement, as a ruler (Clem. Strom. IV. 17 calls him apostle), rebukes the Corinthians, who had only presbyters and deacons over them. Polycarp, as a ruler (Irenaeus in Euseb. V. 20, calls him apostolical presbyter), exhorts the Philippians, who also had no bishop of their own. Ignatius calls himself Bishop of Syria (Rom. 2, Eph. 21, Magn. 14, Trall. 13) as well as Bishop of Antioch; and Irenaeus appears to have been the ruler for the Churches of southern Gaul (Euseb. V. 23). Isidor. de Offic. II. 5 says bishops were first appointed in the seats of apostles.

(147). Cyprian Ep. 51 (Oxf. 55), 24: He who neither maintains (1) the unity of the Spirit, nor (2) the bond of peace, but separates himself from the bond of the Church, and from the assembly of bishops, can neither have (1) the power nor (2) the honour of a bishop. Pseudo-Ambros. in 1 Tim. III. 10 says that originally the ordination of bishops and presbyters was the same. "Both are priests, but the bishop is the first, and he is the bishop who is first among presbyters.

(148). Theodore of Mopsuestia, in 1 Tim. III. 8, says that those who in after times were called bishops were at first known as apostles. When their number was multiplied they were unwilling to place themselves on an equality with apostles, and took to themselves the name of bishops, —a name formerly shared by the presbyters. Euseb. III. 23 calls the bishop the presbyter. Amalarius de Eccl. Offic. II. 13 says that they would not arrogate to themselves the name of apostles, and hence were called bishops.

(149). Pseudo-Ambros. de Dign. Sac. c. 2: Bishops are called rectors because the sheep are intrusted to them to be governed.

wards, following the precedent set by St. James at Jerusalem, the moveable episcopate was everywhere localised ([150]), in the East this higher authority being distributed among three grades of supervisors, viz. bishops, metropolitans and patriarchs ([151]); in Spain, among four, viz. bishops, metropolitans, archbishops and patriarchs ([152]). The Roman Church, refusing to acquiesce in any localisation which would exclude its president from sharing the supervision of the whole Church, has always treated all bishops, metropolitans, and patriarchs as co-ordinate members of one episcopal college, of which the Roman bishop is the head and chief ([153]).

24. Whatever view may be held as to its origin, there can be no doubt that the episcopate stands at the apex of the presbyterate([154]). A bishop is therefore called the light of the body and

(150). Socrates v. 8: Then too [A.D. 381] patriarchs were constituted, and the provinces distributed, for this had been indiscriminately done before because of persecution. Concil. Chalcedon, Can. 2, A.D. 451, forbids any one to be ordained without a local sphere (ἀπολελυμένως). The system of unattached bishops, probably derived from the Roman Church, appears to have been longest kept up in Ireland (as late as 1141 A.D.) and Scotland. Anselm writes to a titular King of Ireland in Todd's St. Patrick, p. 2, 4: In your country bishops are chosen anywhere, and appointed without any definite localisation. Apparently Hippolytus, in 220 A.D., was an unlocalised bishop. Lightfoot, Ignatius I. 377, calls them a moveable episcopate.

(151). Denzinger I. 116; II. 33; Rabanus de Cler. Inst. I. c. 5.

(152). Isidor. Etymol. VII. 12: Rabanus de Cler. Inst. c. 5 says that archbishops and metropolitans are the same.

(153). Cyprian Ep. 54 (Oxf. 59), 14, calls Rome "the chair of Peter and the chief Church, whence episcopal unity takes its source."

(154). Augustin ap. Gratian Caus. II. Qu. VII. c. 34: According to the use of terms in the Church, the episcopate is higher than the presbyterate. Cyprian Ep. (Oxf. 17), 2: Reserving to the bishop the honour of his priesthood and his dignity. Concil. Nic. A.D. 325, Can. 8, speaks of τὸ ἀξίωμα τῆς ἐπισκοπῆς. Apost. Const. II. 26; III. 11, 20; Concil. Sardic. A.D. 347, ap. Gratian I. Dist. LXI. c. 10, calls it culmen episcopatus; Zosimus, A.D. 418, *Ibid.* I. Dist. LIX. c. 2, fastigium presbyterii; *Id. Ibid.* I. Dist. XCVI. c. 14, § 6, pontificalis apex; Leo, A.D. 446, *Ibid.* I. Dist. LXXX. c. 4, dignitas et sacerdotale fastigium; Concil. Chalcedon A.D. 451, Can. 29, distinguishes the ἀξία τῆς ἐπισκοπῆς from the ἱερωσύνη. Gregory, A.D. 601,

the eye of the Church(155). By virtue of this position he has a double set of duties to perform (156)—(1) those which belong to him in common with all presbyters, including duties of intercession(157),

Ibid. Caus. IX. Qu. I. c. 6, distinguishes locus from ordo; likewise Alexander III. in Decret. Lib. I. Tit. XIII. c. 1 distinguishes locus from dignitas.

(155). Pseudo-Ambros. de Dign. Sac. c. 6.

(156). An Anglo-Saxon writer, quoted in Lingard's Anglo-Saxon Church I. 97, thus describes the daily work of a bishop: In the first place of right, his prayers, and then his book-work, reading or writing, teaching or learning; and his Church-hours at the right times, always in the manner that thereto belongeth; and the washing of the feet of the poor, and the dealing out of alms, and the ordering of work where it may be needful. Also good handicrafts befit him, that men in his family may practise crafts, at least that no one may dwell there idle. Moreover, wisdom and wariness always befit bishops, and that those have worthy ways who follow them, and that they know some separate craft. Nothing that is needless becometh bishops, nor deceit, nor folly, nor excess in drink, nor childishness in talk, nor idle buffoonery in any wise, neither at home nor on the road, nor in any place; but wisdom and wariness becometh their station; and good behaviour is the duty of them that follow them. Dunstan's letter to Wulfsine, in Mabil. Act. Sanct. p. 239: Be of good courage, brother, and boldly fulfil the work of the Lord, so as to save the souls of many. Let not thy tongue cease to preach, nor thy hand to work, nor thy foot to visit thy flock. Give alms abundantly, and raise up everywhere the holy Church of God. Be thou a pattern of salvation to all men, an example of most holy life, a source of comfort to the afflicted, and of counsel to the doubtful. Show forth in thy conduct the vigour of discipline, the confidence of truth, and the hope of virtue. Pride not thyself on the pomp of the world; indulge not in the pleasures of the table nor the vanity of dress; be not deceived by the tongue of flattery. Be not as a reed shaken with the wind, nor a flower drooping under the storm, nor a falling wall, nor a house built on the sand, but rather a temple of God, standing on solid rock, and inhabited by the Holy Spirit. Craisson, § 659.

(157). Apost. Const. II. 25: Ye, therefore, O bishops, are to your people priests and Levites, ministering to the holy tabernacle, the Catholic Church, who stand at the altar of your God and offer to Him reasonable and unbloody sacrifices through Jesus the great High Priest. Ye are to the laity, prophets, rulers, governors, and kings, the mediators between God and His faithful people, who receive and declare His word. Ye are the voice of God and witness of His will, who bear the sin of all, and intercede for all. . . . For ye imitate Christ the Lord, and as He bore the sins of us all, . . . so ought ye also to make the sins of the people your own.

teaching (158), and government (159); and (2) those which are reserved to him because of his authority (160). Moreover, since the chief object of episcopal authority is to uphold unity at home and abroad, and to keep each portion of the

Pseudo-Isidor. Caus. I. Qu. 1. c. 91, and Caus. III. Qu. 1. c. 5, calls this consuming the people's sin.

(158). St. Paul, 1 Cor. I. 17, says that he was not sent to baptize but to preach. Apost. Const. II. 26 : The bishop, he is the minister of the word, the keeper of knowledge, the mediator between God and you in the several parts of your Divine worship. He is the teacher of piety, and next after God he is your father who has begotten you again to the adoption of sons by water and the Spirit. Gregory, A.D. 591, ap. Gratian I. Dist. XLIII. c. 4 : [A bishop] would not be clear of their blood if he forbore to announce to them the counsel of God. Concil. Clovesho, A.D. 747, Can. 1 : In the front of their decrees they established it with an authoritative sanction that every bishop be ready to defend the pastoral charge intrusted to him, and the canonical institution of the Church of Christ, with his utmost endeavour, . . . and be adorned with good manners, with the abstemious virtues, with works of righteousness, and with learned studies, that so they may be able to reform the people of God by their example, and instruct them by the preaching of sound doctrine. Nicolaus, A.D. 865 : As prelates are exposed to no small risk for having kept silence for the furtherance of godliness and the correcting of the Church, so those incur no small danger who refuse to obey when they ought to. Cnut's Law 26, A.D. 1017 : Let the bishops be preachers and doctors of God's law, and they ought diligently to give in charge and exemplify men's duty towards God. Can. 3 Odo, A.D. 943 ; Const. 22 Otho, A.D. 1237 ; Lynd. 64 says that a prelate dumb in teaching is no true prelate, because he does not fulfil a prelate's duties.

(159). Hippolytus Haer. Prooem : We [bishops], as participators in this grace, [1] high-priesthood and [2] office of teaching, as well as being [3] guardians of the Church. Polycrates in Euseb. III. 31, speaks of St. John as [1] a priest wearing the sacerdotal band, and [2] as a witness and teacher. Alcuin writes to Ethelherd, A.D. 793, in H. & S. III. 474 : Your throat ought to be the trumpet of God, and your tongue the herald of salvation. . . . Your place is to stand between God and man, [1] to communicate the commands of God to the people, and [2] to intercede with God for the sins of the people. . . . A bishop is [3] a general (speculator) who ought, with prudent counsel, to make provision for the whole army. Const. 2 Langton, A.D. 1222 : That every prelate sometimes hear confessions and give penance.

(160). Innocent III. in Decret. Lib. I. Tit. XV., says that the head of a bishop is anointed on account of authority, and his hands [a presbyter's hands being alone anointed in the Roman Church] on account of his ministry and office.

Church in communion with the rest (161), a bishop's special duties are those which the claims of unity impose on him. He is, therefore (1), in respect of intercession, the organ for uniting and presenting to God the prayers of other parts of the Church in union with those of his own, which he does in ordaining (162). He is (2), in respect of teaching, the local witness and keeper of the truth committed to the whole body, whence he is said to possess the gift of true knowledge or orthodoxy (163). (3) In respect of government he holds the place of St. Peter among the other apostles, being charged to feed the flock as the steward of the divine household (164). As such he is the executive officer in all

(161). Herm. Vis. II. 4, 3, is directed to send a copy of the message given to him to Clement, the bishop, who should communicate it to other cities. Cyprian de Unit. c. 5 : Which unity we ought to hold and uphold, more particularly those of us who are bishops and preside in the Church, that we may also prove that the episcopate is one and undivided. Ep. 51 (Oxf. 55), 24 : He could not hold the episcopate, since he has cut himself off from the body of his fellow-bishops and from the unity of the Church.

(162). In Lacy's Pontifical, p. 79, the bishop exhorts the people to pray that God may make him worthy to be heard on behalf of the ordinands.

(163). In Acts I. 21 St. Matthias is appointed to the apostleship, called also ἐπισκοπή, to be a witness of the resurrection. 1 Cor. IX. 1 ; XV. 8 ; Iren. Haer. III. 1, 1 : It is unlawful to assert that the apostles preached before they possessed perfect knowledge ; and IV. 26, 2. Euseb. II. 1 quotes Clement as saying : The Lord imparted the gift of knowledge to James the just, to John and Peter, after His resurrection, and they to the rest of the apostles. Διδαχή 11, 2 : If [the apostle's and prophet's] teaching be to the increasing of righteousness and knowledge of the Lord, receive him as the Lord. Ep. Clem. ad. Jac. 6 : Whatever the ambassador of the Truth shall bind upon earth, is bound also in heaven. The power of the keys and the gift of true knowledge are the two things prayed for in St. Peter's ordination-prayer, according to Clem. Hom. III. 72, and in the early Roman Ordinal in Duchêsne, p. 347.

(164). Ignat. ad Eph. c. 6 says of the bishop : Every one whom the Master of the house sendeth to be steward, we ought to receive as Him that sent him. Cyprian Ep. 54 (Oxf. 59), 5, says that bishops are the stewards of God, ordained by His decree. Pseudo-Ambros. de Dign. Sac. 1 ap. Migne XVII. 567 : We to whom the dispensation of the Divine word is intrusted, and who are charged to feed and nourish the flock of Christ. Concil. Aquisgran. A.D. 806, Can. 123 : Prelates owe to their subjects (1) the feeding of their bodies, (2) the feeding of their souls.

matters of public discipline (165), whence he is called successor of St. Peter, and is said to wield the power of the keys (166).

25. In applying this conception of the scope and object of the bishop's office (167) to the practical administration of the Church, the following duties of order are in the Western Church generally reserved to bishops, viz. (1) the ordination of presbyters and deacons (168); (2) the consecration of virgins (169); (3)

(165). 1 Cor. v.; Acts xv.; Concil. Elib. A.D. 305, Can. 32 reserves to bishops the office of dealing with penitents. Firmilian ap. Cyprian Ep. 74 (Oxf. 75), 16: The power of remitting sins was given to the apostles, and to the Churches which they founded, and to the bishops who succeeded them by vicarious ordination.

(166). Cyprian Ep. 26 (Oxf. 33): Our Lord, describing the honour of a bishop, says to Peter, I say unto thee that thou art Peter, and upon this rock will I build My Church, &c. Hence through the changes of times and successions the ordering of bishops . . . flows onwards, so that the Church is founded upon the bishops. Pseudo-Ambros. de Dign. Sacer. c. 2: All of us bishops (sacerdotes) have received in St. Peter the keys of the kingdom of heaven. Concil. Aquisgran. A.D. 806, Can. 9: The sacerdotal order in the New Testament took its rise from Peter. To him authority was first given. Truly the other apostles were admitted to share his honour. Innocent I. ad Victricium, A.D. 404, Ep. 2: The apostolate and episcopate takes its origin from Peter. Gildas c. 67, in H. & S. I. 75: They install sacrilegious persons in the chair of Peter [meaning in the office of a bishop].

(167). Concil. Hispal. II. A.D. 619, Can. 7 ap. Gratian I. Dist. LXVIII. c. 4, after enumerating the reservations to the bishops, continues: All these are unlawful (illicita) for presbyters, because they have not reached the apex of the pontificate which the authority of the canons enjoins to be peculiar to bishops only, that thereby, the distinction of grades and the height of dignity of the supreme pontiff may be exhibited. Isidor. de Eccl. Off. II. 7, 2: Only because of authority is ordination and consecration reserved to the supreme priest, lest the discipline of the Church, made cheap by many, should resolve concord and generate scandals. Concil. Clovesho A.D. 747, Can. 11: Let not presbyters attempt in any wise to perform those thing which are peculiar to bishops.

(168). Apost. Const. III. 11; Stat. Eccl. Ant. A.D. 505, Can. 69 ap. Gratian I. Dist. l. c. 55: Let him be deprived of the episcopate, i.e., of the power of ordaining. Can. 17 Elfric, A.D. 957: The bishop is appointed to ordain.

(169). Concil. Carthag. II. A.D. 390, Can. 3 ap. Gratian Caus. XXVI. Qu. VI. c. 1, reserves to the bishop the consecration of the chrism, the consecration of virgins, and the public reconciliation of a penitent. Concil.

the setting up and hallowing of altars and churches(170); (4) the confirmation of the baptized(171); (5) the public reconciliation of heretics(172) and penitents(173); (6) the consecration of the chrism and the holy oils(174); (7) the giving of the greater or triple benediction(175); and (8) the giving of letters dimissory(176). A bishop's duties are, therefore, commonly said to consist in judging, interpreting, ordaining, consecrating, confirming, hallowing the Eucharist, and baptizing(177). All of these

Carthag. III. A.D. 397, *Ibid.* c. 2, forbids a presbyter to consecrate a virgin without consulting the bishop. Concil. Rothomag. A.D. 650, Can. 9: Respecting the veiling of virgins by presbyters, it is ordered that if any presbyter shall in future attempt to do it he shall be condemned as a transgressor of the canons. Concil. Paris VI. A.D. 829, *Ibid.* Caus. XX. Qu. II. c. 3: Should either an abbess or any other consecrated virgin give way to such audacity as to presume to veil a widow or a consecrated virgin, let her be subject to canonical punishment until satisfaction. Nevertheless, Theodori Poenit. II. III. 4, A.D. 673, in H. & S. III. 192, says: A presbyter may consecrate an abbess with celebration of mass, and c. 8, that according to the Greeks he may consecrate a virgin with the veil.

(170). Concil. Agath. Can. 43, A.D. 506, ap. Gratian Caus. XXVI. Qu. VI c. 3, forbids a presbyter to consecrate an altar. Concil. Tolet. VIII. A.D. 653, Can. 7, forbids presbyters to hallow churches, to consecrate the chrism, or to ordain. Elfric Can. 17, A.D. 957.

(171). Pseudo-Isidor. ap Gratian III. Dist. V. c. 4. See *Baptism*, § 23.

(172). See *Baptism*, § 15.

(173). Concil. Elib. A.D. 305, Can. 32; Concil. Arelat II. A.D. 426, Can. 26; Concil. Araus. A.D. 441, Can. 1; Concil. Hispal. A.D. 619, Can. 9; Concil. Agath. A.D. 506, Can. 44: It is not lawful for a presbyter to bless the people in Church, or to reconcile a penitent.

(174). Epist. ad Ludifred, note 177; *Baptism*, § 22.

(175). Germanus ap. Duchêsne, p. 212; Concil. Aurel. 1, A.D. 511, Can. 26; Concil. Agath. A.D. 506, Can. 44.

(176). Concil. Aurel. III. A.D. 533, Can. 3, that neither abbots, chantry-priests (martyrarii), recluses nor presbyters give apostolic letters (apostolia). Concil. Turon. II. A.D. 567, Can. 6: That no clerk or layman, but only a bishop, give letters commendatory (epistolia). See above, § 5, note 16.

(177). Apost. Const. VIII. 28: A bishop blesses, but does not receive the blessing. He lays on hands [confirms], ordains, offers, receives the blessing from bishops, but by no means from presbyters. Epist. ad Ludifred ap. Gratian I. Dist. XXV. c. 1, § 9: To the bishop belong the consecration of churches, the anointing of altars, and the hallowing of the chrisms. He distributes the offices and orders in the Church. He blesses holy virgins,

duties are, nevertheless, allowed to be performed by a presbyter properly authorised (178), excepting the ordination of a presbyter or deacon (179). The bishop's duties of office under the territorial system, whether as delegate of the Pope, as feudal visitor in spirituals, or as the representative of the civil power in dealing with spiritual persons, belong to the subject of Church Government rather than of Order.

26. Before any one can be deemed worthy of promotion to so exalted a position (180), it is necessary that he should possess four

and whilst each one has his relative precedence, the bishop is the general arranger of all. Innocent III. A.D. 1199, in Decret. Lib. IV. c. 4: Lacy's Pontifical, A.D. 1450, p. 95.

(178). For consecrating the chrism, see *Baptism*, note 176; for confirmation, *Ibid.* § 22. Hieronym. ap. Gratian I. Dist. XCV. c. 6; Concil. Westminster A.D. 1138, Can. 4, allows a bishop to consecrate a Church by the hand of another. Concil. Epaon. A.D. 517, Can. 16, authorises a presbyter to reconcile a heretic.

(179). Chrysost. Hom. in 1 Tim. XI. 1: Only in ordaining do bishops surpass presbyters. Hieronym. Epist. 146: Excepting ordination, what does a bishop do that a presbyter does not?

(180). Apost. Const. VIII. 4: A bishop to be ordained is to be unblamable in all things, chosen by the whole people . . . having a good testimony from all men as to his worthiness for so great and glorious an authority . . . all things relating to his piety towards God being right . . . being unblamable in the course of his life. *Ibid.* II. 1: Let him, therefore, if it be possible, be well educated, but at any rate let him be skilful in the word, and of competent age. *Ibid.* c. 2: Let him be sober, prudent, decent, firm, stable, not given to wine, no striker but gentle, not a brawler, not covetous, not a novice; c. 3: Let examination also be made whether he be unblamable as to the concerns of this life, for it is written: Search diligently for all the faults of him who is to be ordained to the priesthood (Lev. XXI. 17). On which account let him be also void of anger; c. 5: A bishop must be no respecter of persons; c. 6: Let not a bishop be given to filthy lucre, rather suffering than offering injuries . . . no admirer of the rich nor hater of the poor, nor evil speaker nor false witness . . . not double-minded nor double-tongued, not ready to hearken to calumny or evil-speaking; c. 9: For the bishop must not only give no offence, but must be no respecter of persons, in meekness instructing them that offend; c. 21: Be gentle, gracious, mild, without guile, without falsehood; not rigid, not insolent, not severe, not arrogant, not unmerciful, not puffed up, not a man-pleaser, not timorous, not double-minded . . . not hasty in thrusting out and expelling, but steady; not one that delights

personal qualifications, viz. (1) some degree in the ranks of holy order; (2) blameless conversation; (3) sound knowledge; and (4) clear speech, or the gift of making himself understood (181). In the code of the ancient Gallican Church these desiderata are expressed as follows (182): "A bishop must be naturally prudent, docile, chaste, sober, careful of his affairs, humble, affable, meek, learned, skilled in the law of the Lord, cautious in interpreting Scripture, versed in the dogmas of the Church, and able to express in simple words the documents of the faith." Besides these qualifications a bishop must also have a proper election.

27. As the episcopate is admitted by all to be an amplification or extension of the presbyterate (183), it cannot be bestowed on one who is not already qualified to receive such extension. Although in the early days of the Church laymen were occasionally advanced to the episcopate (184), yet such ordinations were

in severity; not heady. Gratian Caus. II. Qu. VII. c. 28, 29, 32, 34: Formerly the election was signified by all the people exclaiming: He is worthy. Ayliffe 119.

(181). Iren. Haer. IV. 26, 4: Adhere to those who hold the apostles' doctrine, and who, together with the order of the presbyterate, display sound speech and blameless knowledge; c. 5: Where the gifts of the Lord have been placed, there it behoves us to learn the truth, viz., from those who possess that succession of the Church which is from the apostles, and among whom exists that which is sacred and blameless in conduct, as well as that which is incorrupt and unadulterated in speech. Teaching of the Apostles, Can. 11: Whosoever is unacquainted with the faith of the Church, and the ordinances and laws which are appointed in it, let him not be a guide [bishop] or a ruler [rural-bishop].

(182). Stat. Eccl. Ant. A.D. 505, ap. Gratian I. Dist. XXIII. c. 2; incorporated in Eadulf's Profession, A.D. 796, in H. & S. III. 506.

(183). Benedict XIV. 20 Oct. 1756, in Craisson, § 1737, 2020: No one forbids discussion as to whether the character received in episcopal consecration differs from that of the presbyterate, or whether it is not rather an extension of the character already bestowed in the presbyterate. It must at least be admitted that by episcopal consecration the presbyter's order is extended and perfected, so that no one can be made a bishop except by receiving such extension.

(184). *E.g.*, St. Matthias. The Roman Breviary relates of St. Ambrose that he was elected Bishop of Milan whilst only a catechumen, and servatis omnibus ex instituto Ecclesiae ordinum gradibus, sacerdotale onus suscepit

deemed irregular unless subsequently confirmed by the Church at large (185). Now, since subdeacons have taken the place of laymen as the lowest of the three holy orders, election to the episcopate is forbidden to all below the degree of the subdiaconate (186), and consecration to the episcopate to all who have not been regularly advanced from readership to the presbyterate (187) or diaconate (188).

28. A bishop must further be blameless in conversation (189). Hence all the qualifications and disqualifications which apply to holy orders apply *a fortiori* to the episcopate (190); and by

(185). Cyprian Ep. 51, 8, says that Cornelius was a lawful bishop, because he was promoted through all the ecclesiastical offices. Leo, A.D. 446, ap. Gratian Caus. 1 Qu. VII. c. 18: Those whose advancement has only this fault that they were chosen from laymen to the episcopal office, we permit to retain their place. Tarasius, created Patriarch of Constantinople A.D. 787, per saltum, was allowed by Adrian I. to be a true bishop. Hutton, p. 285, states that Adrian gave him a dispensation.

(186). Innocent III. in Decret. Lib. I. Tit. XIV. c. 9, allows a subdeacon to be elected, because the subdiaconate is now a holy order.

(187). Concil. Sardic. Can. 13, A.D. 347, ap. Gratian I. Dist. LXI. c. 10: Should a rich layman or a pleader be postulated bishop, let him not be ordained unless he have previously been admitted to the functions of reader and the office of presbyter or (aut) deacon, and so by single steps, if he be found worthy, let him ascend to the height of the episcopate. Concil. Barcin. II. A.D. 599, Can. 3, forbids laymen to be advanced to the episcopate without passing through intermediate degrees. Syn. VIII. A.D. 869, Can. 5, decrees that no one may ascend to the episcopate except by passing through the lower orders, which it enumerates as those of reader, subdeacon, deacon, presbyter. Bellarmin. de Ord. c. 5 goes further: It is impossible for one to be ordained bishop who was not before a presbyter, unless he then receives both ordinations at once, because each is of the essence of the episcopate.

(188). Mabillon Mus. Ital. I. 146 has shown that up to the 11th century it was usual at Rome to elect a deacon for pope, and that many popes never passed through the presbyterate.

(189). Iren. Haer. IV. 26, 5, quoted above; Concil. Laodic. A.D. 363, Can. 12, says: *δεδοκιμασμένος ἔν τε τῷ λόγῳ τῆς πίστεως καὶ τῇ τοῦ εὐθέος λόγου πολιτείᾳ.* Egbert's Excerpt 57, A.D. 740; Isidor. de Offic. II. 5, 16: How shall he correct others who is exposed to the retort, First teach thyself to do what is right?

(190). Concil. Nic. A.D. 325, Can. 4 and 5; Augustin ap. Gratian I. Dist. LXXXI. c. 4, 5, 7; Concil. Tolet. IV. A.D. 633, Can. 19, *Ibid.* I. Dist.

English rule there is a further disqualification, that of having been a pluralist (191). Greater age is also necessary, which was formerly fixed at fifty years (192), but now full thirty suffice (193). A bishop ought also to be a careful business-man (194).

29. To ensure knowledge of apostolic doctrine a bishop must be learned (195) and skilled in the law of the Lord (196). To test his knowledge and the soundness of his faith he ought, therefore, to be previously interrogated (197). In the African Church the interrogatories were required to have reference to the doctrine of baptism, the future resurrection and judgment, the necessity of being in the Catholic Church for salvation, his willingness to hold communion with reconciled penitents, his

LI. c. 5, forbids any one to be consecrated a bishop who has been detected in any crime, who is stamped with infamy, who has admitted any crime by publicly doing penance, who has relapsed into heresy, who has been baptized or rebaptized in heresy, who has mutilated himself, or suffers from the natural defect or loss of a member, who has been more than once married, or has married a widow or divorced woman or a woman not a virgin, who has had a concubine, who is of servile extraction; a neophyte or layman who has done military service or has duties at court, or is ignorant of letters, or younger than thirty; who has not been regularly advanced through ecclesiastical degrees, who ambitiously seeks honour, who seeks the position by presents, who is designated by his predecessor to succeed him, who has not been elected by the clergy and people to preside over them, or assented to by the metropolitan and comprovincials. The same in Egbert's Qu. XV. A.D. 734; Decret. Lib. I. Tit. XIII. c. 4.

(191). Const. 31 Othobon, A.D. 1268.

(192). Apost. Const. II. 1, not under fifty years of age, for such an one is in good part past youthful disorders and the slanders of the heathen.

(193). 3 and 4 Ed. VI. c. 12; 5 and 6 Ed. VI. c. 1; 8 Eliz. c. 1; 13 and 14 Car. II. c. 4, require every man which is to be consecrated bishop to be full thirty years of age.

(194). Gratian I. Dist. LXXXIX.; Apost. Const. II. 3.

(195). Hieronym. ap. Gratian I. Dist. XLIX. c. 2.

(196). Gregory, *Ibid.* I. Dist. LXXXVI. c. 5; Concil. Clovesho A.D. 747, Can. 1.

(197). Apost. Const. VIII. 4; Syn. VII. A.D. 787, *Ibid.* I. Dist. XXXIII. c. 6 requires a bishop to know both Testaments and the canons, the other as well as the penitential canons, whereas a presbyter need only know the penitential canons; the reason, according to Lynd. 335, being because a bishop is a judge of bodies as well as souls. See *Order*, § 34, 48.

toleration of second marriages, and the use of flesh for food (198). In mediaeval times the answers took the form of a document called a profession, which was drawn up in writing, and together with a declaration of feudal dependence on his consecrator was solemnly confirmed upon oath (199).

30. A bishop being not merely the guardian and keeper of apostolic tradition, but also its exponent and interpreter to others, preaching is his special duty. He must, therefore, be a man of clear speech, and able to express in simple language the truths of the faith (200). If all these requirements are satisfied he may be consecrated on any Sunday or festival independently of Embertides (201), because consecration is an accession of authority, not the bestowal of a distinct sacramental order; and, for the same reason, as well the dignity as the office of a bishop in a particular Church may be resigned (202).

(198). Concil. Carthag. I. A.D. 347, Can. 1. The interrogatories in mediaeval times in Lacy's Pontifical, p. 93, include: Will you devote yourself to ascertain the sense of Scripture, and teach that sense to the people by word and example? Will you accept, teach, and observe the decrees of the orthodox Fathers and the decretals of the Apostolic See? Will you be faithful, subject, obedient to St. Peter and his vicars, and the holy Church of Canterbury? Will you in every way eschew evil and do what is good? observe and teach chastity and sobriety? devote yourself to divine and keep aloof from worldly business? be humble and patient? ready of access, and merciful to the poor and strangers that are in need? Do you believe in the Holy Trinity, &c.? Do you believe that there is One Author of the Old and New Testaments, the Law, the Prophets, and the apostolic writings, Almighty God?

(199). Eadulf's Profession, A.D. 796, in H. & S. III. 506, is the earliest preserved of an English bishop. In it he pledges himself: I will take care to submit the neck of my humble obedience to thee, Ethelhard, and thy successors for ever. Const. 2 Langton, A.D. 1222.

(200). Isidor. de Offic. II. 5, 17: His speech ought to be unaffected, simple, straight, full of gravity and honesty, full of suavity and grace, dealing with the mystery of the law, the doctrine of faith, the virtue of continence, the discipline of justice; using to each one a different kind of address according to his profession and character, so that he know beforehand what, when, and how to deal with each.

(201). Egbert's Excerpt 96, A.D. 740; Devoti Lib. I. Tit. XIII. c. 1.

(202). Decret. Lib. I. Tit. VIII. c. 1.

THE DIACONATE.

31. In contrast to the presbyterate, which is an order of the perfect charged with duties of intercession, teaching, and government, the diaconate is a ministerial order (203), created by the Apostles (204) to deal with the temporal concerns of the Church, the supply of necessaries to those in want, and the relief of other Churches. Having to prepare the materials for the corporate worship of the Church out of the people's offerings, and being thus associated in the service of the altar, deacons are accounted a holy order. And because they are endowed with a share in the sacramental gift of order by the imposition of hands, they are allowed to be also a hierarchical order, and have assigned to them the duties of local evangelists.

32. Primarily a deacon is concerned with temporal matters. To him is committed the charge of providing for widows and orphans, the sick and the infirm, the reception and entertainment of strangers and the placing of the faithful in Church (205), the supply of necessaries to Christians in prison, and the burial of the dead (206). He is also the ambassador of the Church to

(203). Apost. Const. III. 19; VIII. 46, 17; Concil. Nic. A.D. 325, Can. 14 ap. Gratian I. Dist. XCIII. c. 7; Concil. Laodic. A.D. 363, Can. 20, *Ibid.* c. 8.

(204). Acts VI.; Cyprian ap. Gratian I. Dist. XCIII. c. 25: Christ appointed the Apostles, but the Apostles appointed deacons. Ignatius ad Trall. 3: Let all reverence the deacons as a commandment of Jesus Christ, and the bishop as Jesus Christ.

(205). Apost. Const. II. 58; Dionys. Eccl. Hier. 5.

(206). Acta Perpetuæ c. 3: The blessed deacons ministered to us in prison. Roman clergy to the clergy of Carthage in Cyprian Epist. 2, 3: There are other matters which are incumbent on you [in the bishop's absence]. If you have widows or bedridden people unable to maintain themselves, or those who are in prisons or excluded from their own dwellings, these ought to have some to minister to them. . . . And as matter of the greatest importance, if the bodies of the martyrs and others be not buried, a considerable risk is incurred by those whose duty it is to do this office. Egbert's Pontifical, which adds: Christ was a deacon when He broke the loaves to feed the multitude and washed the feet of His disciples. Devoti Lib. I. Tit. II. § 27; Concil. Aurel. V. A.D. 549, Can.

convey relief to other Churches (207). For these purposes the people's offerings are intrusted to him, and he is directed to administer them under the bishop. Deacons are therefore said to be the ears, the mouth, the heart and soul, and the eyes of the bishop (208), and are required to be men of integrity, well pleasing to all (209).

33. Being charged with the care of the people's offerings, upon deacons devolved the duty of preparing the necessaries for solemn worship, and generally of attending to the work of the Church and the administration of the sacraments (210). The deacon

20, and Egbert's Excerpt 105, A.D. 740: We think it reasonable to be observed for mercy's sake that they who are imprisoned for any crime be looked after by the archdeacon or reeve [temporal administrator] of the Church every Lord's day, that the straitness of them that are in bonds may be mercifully relieved and competent victuals be given them by the bishop from the house of the Church.

(207). Ignat. ad Phil. c. 10: Since the Church at Antioch possesses peace, it will become you as a Church of God to elect a deacon to act as the ambassador of God to [the brethren] there, that he may rejoice along with them when they are met together and glorify the name. Eph. 2: Crocus also [your deacon] I have received as the manifestation of your love.

(208). Apost. Const. II. 44 and III. 19; Rufinus ap. Gratian I. Dist. XCIII. c. 6: Let the deacons of the Church be, as it were, the bishop's eyes, glancing over and observing with care the acts of the whole Church, and carefully watching should they see any one approaching the precipice and near to sin, in order to report the same to the bishop. Clem. Recog. Epist. ad Jac. 12; *Id.* Hom. III. 67.

(209). Ignat. ad Trall. c. 2: It is fitting that deacons as being [the ministers] of the sacramental representations of Jesus Christ, should in every respect be pleasing to all. Epist. Polycarp. c. 5: Let the deacons be blameless . . . walking according to the truth of Christ, who was the deacon of all.

(210). Ignat. ad Trall. c. 2: The deacons are not ministers of meat and drink [only], but servants of the Church of God. Cyprian Ep. 64 (Oxf. 3), 3: The Apostles appointed for themselves deacons as ministers of their episcopacy and of the Church. Basil Ep. 169 (al. 412) to Gregory: Glycerius was consecrated by ourselves as deacon of the Church of Venasa to be a minister to the presbyter there, and to attend to the work of the Church. Martyrdom of Habib the deacon (Ante-Nicene Lib.) 91: Habib the deacon went secretly into the Churches which were in the villages [A.D. 310], and ministered and read the Scriptures.

called to prayer, and himself led the prayers of the people, or suggested to the bishop what should be prayed for ([211]). He dismissed the catechumens in proper order. He read out the names of the living who offered, and of the dead for whom offerings were made ([212]). He prepared the corporate offering for the Eucharist and placed it upon the altar ([213]). He waited

Apost. Const. II. 54; Hieronym ap. Gratian I. Dist. XCIII. c. 23: The deacons are they of whom we read in the Apocalypse: The seven angels of the Churches. . . . The deacon is called the minister of God; and as every exercise of the priesthood requires ministration (sicut in sacerdotio est ministratio), so the office of ministering presupposes authority to administer the sacrament [in ministro est sacramenti disponsatio administrationis—the ordinary reading is *dispensatio*, omitting *administrationis*]. . . . Bishops too are not allowed for fear of presumption to take the cup from the Lord's table unless it be handed to them by a deacon. . . . Levites place (inferunt) the offerings on the altar; Levites arrange the Lord's table; Levites stand round presbyters whilst they bless the elements; Levites pray (orant) before (ante) priests. . . . Then finally the deacon calls out: Open your ears to the Lord; he reads the Gospel; he exhorts and admonishes, whilst presbyters stand round, not to be heedless of or despise the voice which speaks these things; and announces peace. Epist. ad Ludifred ap. Gratian I. Dist. XXV. c. 1, § 7: It pertains to deacons to assist presbyters and to minister in all things which are done in Christian sacraments, to wit in baptism, the chrism, the paten and chalice; also to carry the offerings and place them on the altar, to arrange and vest the Lord's table, to carry the cross and to preach the Gospel and Epistle (apostolum). For as the preaching of the Old Testament is committed to readers, so is that of the New Testament to deacons. To him too belongs the ordering (officium) of prayers and the calling over the names [from the diptychs of the living and the dead]. He proclaims: Lift up your ears to the Lord. He calls to prayers. He gives the peace and announces [the dismissal]. Can. 16 Elfric, A.D. 957: The deacon is he that ministers to the mass-priest, and places the oblations on the altar, and reads the Gospel at the divine ministration. He may baptize children, and housel the people. They ought to serve their Saviour in white albs, and preserve the heavenly life with purity. Lacy's Pontifical, p. 85: Diaconum oportet ministrare ad altare; evangelium legere; baptizare et praedicare. See *Order*, note 50.

(211). Apost. Const. VIII. 35, 37; II. 57: After this let the deacon pray for the whole Church, for the world and the several parts of it.

(212). Concil. Constant. A.D. 536, ap. Labbé v. 1154.

(213). Concil. Ancyr. A.D. 314, Can. 2, calls this ἀναφέρειν. The presbyter's hallowing is called προσφέρειν.

on the bishop or presbyter whilst the latter summed up the people's prayers, and gave the invitation for the kiss of peace (214). He held the cup at the prayer of hallowing, and at the proper time consecrated it by bringing it into contact with the hallowed Bread (215). He led the fraction which followed, alone administered the cup to the people (216), carried the communion in both kinds to the sick (217), and took care of the Elements which remained (218). In short, the whole

(214). Cyril. Cat. Myst. 5; Epist. ad. Ludifred, quoted note 210.

(215). See *Eucharist*, § 6, note 72.

(216). Concil. Laodic. A.D. 363, Can. 25 ap. Gratian I. Dist. XCIII. c. 16: It behoves not the subdeacon to give the bread nor to bless the cup, which implies that these were the deacon's duties. Gelasius, A.D. 494, ap. Gratian I. Dist. XCIII. c. 13, says: Let no deacon have the right of exercising the consecration [praerogationem, which appears to mean the prayer of intercession, whereby the sacramental sign becomes the Holy Body, and has therefore been altered by Ed. Bas. into erogationem, meaning the distribution] of the Holy Body in the presence of a bishop or priest, but only in their absence. Concil. Arelat. A.D. 314, Can. 15, and Concil. Nic. A.D. 325, Can. 18, both say that the offering was made by deacons, and forbid it. Ambros. de Offic. I. 41 makes Laurence the deacon address his bishop, Sixtus II. A.D. 258, as he was being led away to execution: "Whither goest thou, my Father, without thy son? Whither goest thou, high priest, without thy deacon? Never didst thou offer the sacrifice without me by thy side. Wherein have I displeased thee? Hast thou ever found me negligent of my duties? Examine and see whether thou hast chosen in me an unworthy servant to whom to intrust the consecration of the Lord's Blood (Dominici sanguinis consecrationem)." Devoti explains these words to mean Sanguinem consecratum (see *The Eucharist*, note 72), and Le Brun quotes, Haec commixtio et consecratio, as used in the same sense. But Bona Rer. Lit. I. 25, § 4, observes that the deacon consecrated the cup ministerially, and quotes Pseudo-Ambros.: Consors diaconus erat consecrationis. Theodori Poenit. II. II. 18, in H. & S. III. 192, states that "deacons may baptize, and bless food and drink, but not give the [hallowed] Bread."

(217). Justin Martyr I. 67: To those who are absent a portion is sent by the deacons. Can. 16 Elfric, A.D. 957, quoted above. Concil. Westminster A.D. 1138, Can. 2. See *Eucharist*, § 6.

(218). Apost. Const. VIII. 13: When all, both men and women, have partaken, let the deacons carry what remains into the vestry. Pseudo-Clement ap. Gratian III. Dist. II. c. 23: The presbyter, deacon, and subdeacon ought to guard the remains of the Lord's Body with fear and

conduct of the ceremonial of worship lay with him, always excepting the collect-prayers ([219]). Because of these duties the diaconate is reckoned a holy ministry, and deacons are called Levites ([220]), and said to be the columns of the altar ([221]).

34. The deacon is, moreover, considered to have a share in the spiritual gift of order, because he is ordained by the laying on of hands ([222]). On this ground the office of local evangelist appears to have been assigned to him, and it is his province to read the Gospels ([223]). With the bishop's sanction he is also permitted to explain them ([224]), but he is forbidden to

trembling. Leofric's Missal, p. 262, directs the deacons to bring out of the vestry the preconsecrated Host on Good Friday.

(219). Ramsay, "The Church in the Roman Empire," p. 459, explains the assumption by Glycerius the deacon of the name and the dress of patriarch by saying that, as director of ceremonies at the village-festival, it would be only natural for him to assume the dress and the character of the highest religious official, the patriarch, just as the leader of a pagan festival would bear the name and dress of the deity whom he represented. Theodori Poenit. II. II. 14, in H. & S. 192, quoted in *The Eucharist*, note 165.

(220). Concil. Carthag. II. A.D. 390, ap. Gratian I. Dist. XXXI. c. 3: Levitae vel qui sacramentis divinis inserviunt. Pseudo-Hieronym. *Ibid.* I. Dist. XCIII. c. 23; Leofric Missal 215.

(221). Isidor. de Offic. II. 8, 3; De Orig. Offic. IX. 1.

(222). In Apost. Const. VIII. 18, the bishop prays that he who is now ordained deacon "may attain a higher degree." Stat. Eccl. Ant. A.D. 505, Can. 4 ap. Gratian I. Dist. XXIII. c. 11, directs the bishop "alone to place his hand upon his head, because he is not hallowed to the presbyterate, but to an office of service." In Acts VI. "they" laid their hands on them. Concil. Agath. A.D. 506, ap. Gratian I. Dist. LXXVII. c. 6, calls it the blessing of a deacon.

(223). Apost. Const. II. 57: Afterwards let a deacon or a presbyter read the Gospel. See above, § 22. Winchester Pontifical: Habet diaconus donum prophetiae.

(224). Some of the earliest deacons preached when disengaged from other duties—Stephen, Acts VI. 10; Philip, Acts VIII. 5. But after the peace of the Church it was not usual. Leo ap. Gratian Caus. XVI. Qu. I. c. 19; Hieron. Ep. 147; Clem. Recog. VI. 66 appears to mean that deacons gave ceremonial directions, and Gregory ap. Gratian I. Dist. XCII. c. 2 that they read the Gospel. Lynd. 288.

baptize (225). It is his business to announce to public penitents the penances which the bishop has imposed, to observe their walk and conversation, and report thereon to the bishop; but he is forbidden to give penance himself (226), except he is placed in charge of a people, or there is danger of death, and no presbyter can be had (227). He may not give the Lord's Body to the people except he is directed so to do by a presbyter (228), and may never hallow the oblation (229). He

(225). Apost. Const. VIII. 46: It is not lawful for a deacon to offer the sacrifice, or to baptize, or to give either the greater or the lesser blessing. . . . Stephen, who saw Christ on the right hand of God and the heavens opened, does nowhere appear to have exercised functions which did not appertain to his office of a deacon, nor to have offered the sacrifices, nor to have laid hands [in penance] upon any, but kept his order of a deacon unto the end. But if some do blame Philip our deacon, and Ananias our faithful brother, that the one did baptize the eunuch [Acts VIII. 38], and the other one Paul . . . [Acts IX. 16]: Philip and Ananias did not constitute themselves [to perform this office], but were appointed by Christ, that High Priest of God, to whom no being is to be compared. Gelasius, A.D. 494, ap. Gratian I. Dist. XCIII. c. 13: Without a bishop or a priest let deacons not venture to baptize, except extreme necessity compels. Concil. Ebor. A.D. 1195, Can. 5, and Const. 1 Langton, A.D. 1222: Let no deacon or inferior clerk baptize or enjoin penance, but only presbyters, except in extreme necessity. Const. 12 Edmund, A.D. 1236: We charge that deacons presume not to administer penance or baptism.

(226). Origen in Lev. v. 3: Following the example of Him who has given His priesthood to the Church (Heb. x. 21, 22), deacons and presbyters take upon themselves the sins of the people, and, imitating the Master, grant remission of sins. Cyprian Ep. 18 (Oxf. 12); Concil. Tolet. I. A.D. 400, ap. Gratian I. Dist. l. c. 68, accordingly requires deacons who have fallen into sin to be restored only as subdeacons, "so that they never lay hands on penitents." Albinus Flaccus ap. Hittorp. p. 50. See *Penance*, notes 30 and 80.

(227). Concil. Nic. A.D. 325, Can. 14 ap. Gratian I. Dist. XCIII. c. 14; Concil. Laodic. A.D. 363, Can. 25, *Ibid.* c. 16; Hieronym. *Ibid.* c. 24; Concil. Ebor. A.D. 1195, Can. 6; Const. 1 Langton, A.D. 1222, quoted note 225; Const. 12 Edmund, A.D. 1236.

(228). Stat. Eccl. Ant. A.D. 505, Can. 38 ap. Gratian I. Dist. XCIII. c. 18; Concil. Arelat. II. A.D. 443, Can. 15. See *The Eucharist*, § 6.

(229). Apost. Const. VIII. 46; Concil. Arelat. A.D. 314, Can. 15: Because we understand that in many places deacons offer, it is decreed that this ought not to be done. Concil. Ancyran. A.D. 314, ap. Gratian I. Dist. L

can neither give the greater nor the lesser blessing (230), but in a private house he may bless both meat and drink (231). In the absence of a presbyter he can also withhold communion from a subdeacon, a reader, or a layman (232).

35. Brought into close relations with the bishop from the very nature of their duties (233), and having at Rome (which in this matter set the example to the Western Church) each one the entire parochial charge of one of the city wards, which were limited in number to seven (234) however many

c. 32, says that a lapsed deacon ought not to offer. Concil. Nic. A.D. 325, Can. 18, says that deacons have not the power of offering. Concil. Agath. A.D. 506, Can. 43, *Ibid.* Caus. XXVI. Qu. VI. c. 3: Let not a restored deacon [hujusmodí—the whole canon referring to penitents] presume to minister. Urban III. in Decret. Lib. V. Tit. XXVIII. c. 2, orders a deacon to be suspended for two years for having presumed to make the offering.

(230). Apost. Const. VIII. 46. The greater or triple benediction is the bishop's prerogative, the lesser the presbyter's, according to Gallican use. Concil. Brac. I. A.D. 563, Can. 3, introduced into Portugal the Roman practice, which required bishops and presbyters to use the same form.

(231). Theodori Poenit. II. II. 16, in H. & S. III. 192.

(232). Apost. Const. VIII. 28: A deacon does not bless, does not give the blessing [*i.e.*, the greater or triple blessing, and the simple blessing, or imposition of hands], but receives it from the bishop and presbyter. He does not baptize, he does not offer; but when a bishop or priest has offered, he distributes to the people, not as a priest, but as one that ministers to priests. . . . A deacon separates a subdeacon, a reader, a singer, and a deaconness, if there be any occasion in the absence of a presbyter. It is not lawful for a subdeacon to separate any, nor for a reader, a singer, or a deaconness, for they are the ministers to the deacons.

(233). Apost. Const. II. 30, 31, 44; Clement Ep. I. c. 12, ap. Gratian I. Dist. XCIII. c. 6.

(234). According to Publius Victor ap. Migne XVIII. 437, Rome was divided by Augustus into fourteen wards (regiones). But for ecclesiastical purposes it appears at first to have been divided into seven only. The Liber Pontificalis refers the division to Clement, and states that Evaristus (A.D. 100–108), "Titulos (Churches) in urbe dividit presbyteris et septem diaconos ordinavit. It may be traced back to the time of Fabian, A.D. 244, since Cornelius, his successor (in Euseb. VI. 43), mentions seven deacons in his time, A.D. 252. It has been supposed that the seven deacons in the Church of Jerusalem were respectively charged to look after the Greek-speaking Jews in Cappadocia, Pontus, Asia, Phrygia, Pamphylia, Rome and Crete,

titular Churches the city might contain (235), deacons became very important persons, and frequently declined the presbyterate (236). They even objected to discharging their ceremonial duties in the Eucharistic service, unless the service were conducted by the bishop in person, and otherwise conducted themselves as the superiors of presbyters (237). At their head was the archdeacon, who, in many cities, was elected by themselves from their own number; and he being constantly called upon to represent the bishop in dealing with other Churches, rose to a great hierarchical position (238). His ecclesiastical and ministerial functions were in consequence gradually abandoned or deputed to others, such as the precentor and treasurer, and he became, under the territorial system, an independent ordinary and deputy-bishop over the non-titular or parochial clergy (239).

which constituted the original branches of the Church of Jerusalem. Concil. Neocaesar. A.D. 314, Can. 14, l. c. 12: According to rule there ought to be seven deacons.

(235). Publius Victor l. c. mentions 10 basilicae at Rome which were constituted by Marcellus baptismal Churches. In the 4th century there were 25 tituli according to Duchêsne. The number was increased to 28 in the 12th century.

(236). Gelasius, A.D. 494, ap. Gratian I. Dist. LXXIV. c. 9, permits subdeacons to be promoted to the presbyterate in case of such refusal. At Rome and in other cities before the 12th century it was usual to elect the bishop from the deacons rather than the presbyters. To prevent such refusal subdeacons were usually ordained deacons and presbyters on the same day. Duchêsne 314.

(237). Concil. Nic. A.D. 325, Can. 14 ap. Gratian I. Dist. XCIII. c. 14; Concil. Laodic. A.D. 363, Can. 20, *Ibid.* c. 15; Hieronym. *Ibid.* c. 24, forbid deacons to sit in the presence of presbyters. Gelasius *Ibid.* c. 13, directs them to know their place. Gregory, A.D. 598, *Ibid.* c. 21, forbids all but Roman deacons to wear sandals (καμπαγαί). Duchêsne 380; Concil. Tolet. IV. A.D. 633, Can. 39, *Ibid.* c. 21: The arrogance of some deacons goes so far that they place themselves before presbyters, and presume to occupy the first row (chorum), presbyters being placed in the lower row.

(238). Syn. Trull. A.D. 692, *Ibid.* c. 26: Let not a deacon, whatever be his dignity, sit before a presbyter, except he is deputed by his patriarch or metropolitan to occupy his place in some gathering.

(239). Duchêsne Lib. Pont. 157, observes that *parochia* is never applied

36. In the non-collegiate parochial Churches of the Middle Ages no provision was made for a deacon, such foundations being regarded as private oratories appurtenant to the cathedral or some other collegiate Church. In collegiate Churches the treasurer usually looked after the temporalities, and the precentor had charge of the conduct of the services. The diaconate consequently fell into abeyance as a ministerial order having functions to discharge in solemn worship, and now only survives in the West as a stepping-stone to the presbyterate.

The Subdiaconate.

37. The office of subdeacon appears to have been originally instituted to lighten the deacon's work in great cities. To comply with the rule which limited the number of deacons to seven however large a city might be (240), a lower grade of officers was instituted under the deacons called subdeacons (241), who in some parts of the Church were assisted by the still lower grades of collets (ἀκόλουθοι) or attendants (sequentes) (242),

to a city Church. Innocent I. distinguishes (1) tituli, or city Churches, (2) coemeteria, or suburban mortuary chapels, and (3) parochiae, or Churches in the country. See *The Diocese.*

(240). Apost. Const. VIII. 4; Clem. Hom. Ep. Clem. ad Jac. c. 12; Concil. Neocaesaren. A.D. 314, Can. 14 ap. Gratian I. Dist. XCIII. c. 12.

(241). Their introduction at Rome is attributed to Fabian, A.D. 236–250. In Euseb. VI. 43, Cornelius, A.D. 252, enumerates seven deacons and seven subdeacons at Rome. Cyprian, Ep. 23 and 32, A.D. 255, mentions subdeacons. Also Concil. Elib. A.D. 305, Can. 30, and Concil. Neocaesar. A.D. 314, Can. 10. Concil. Laod. A.D. 363, Can. 21 and 23, calls them ὑπηρέται, and forbids them to wear a stole or to enter the sanctuary; and Can. 25 ap Gratian I. Dist. XCIII. c. 16, forbids them to encroach on the deacons' function of giving the bread or blessing the cup. Isidor. de Offic. Eccl. II. 8: The Apostles or their successors appointed that in every Church there should be seven deacons holding a higher place than the rest (qui sublimiore gradu essent caeteris). In the Metz Order ap. Le Brun III. 582 (ed. 1777), the subdeacon is said to be ordained to minister to the altar under the deacon (qui sanctis altaribus subministret). Amalarius de Eccl. Offic. II. 11: The subdeacon is so called because he is under the deacon. They are consecrated to one mystery.

(242). Duchêsne 332 points out that Fabian, the predecessor of Cornelius,

and door-wardens. Considering its history, the subdiaconate may therefore be looked at under three aspects: (1) as an office of service under the diaconate; (2) as a holy order having ministerial or ceremonial duties to perform in the service of the altar; and (3) as a hierarchical order, being a step in the diaconate, and therefore a step towards the presbyterate.

38. As an office of service under the diaconate, one of the earliest duties of subdeacons was to stand at the doors and see that the different classes of penitents did not encroach on their allotted places ([243]). After the fourth century, the subdeacon came more and more into prominence as the representative layman, and as such took part in liturgical worship and the administration of the sacraments ([244]). Before the service commenced he carried up the book of the Gospel and placed it upon the altar ([245]). In the service he handed the paten and chalice to the deacon, who conveyed them to the altar. He

divided Rome into seven wards, each of which he placed under the charge of a deacon. As there were seven subdeacons and forty-two collets at Rome in 252 A.D., according to the letter of Cornelius in Euseb. VI. 43, he considers that to each ward was attached one subdeacon (subdiaconus regionarius) and six collets, making a group of seven assistant clergy besides the deacon for each ward. Cyprian Ep. 28, 3, calls them sequentes.

(243). Maskell Mon. Rit. II. p. 191; Concil. Laodic. A.D. 363, Can. 22 orders the subdeacon not to leave the doors. Dionysius Eccl. Hier. c. 5 says that it is a duty of deacons (λειτουργοί) "to separate the unfit." "Wherefore the hierarchical institution places them over the holy gates."

(244). Apost. Const. VIII. 28 says that the subdeacon, the reader, the singer, and the deaconess minister to the deacon. Concil. Narbon. A.D. 589, Can. 13, requires the subdeacon as well as the door-warden to lift up the curtain to admit their seniors in order to the Church. Can. 15 Elfric, A.D. 957: Subdeacon is plainly the under-deacon, he that brings forth the vessels to the deacons, and himself ministers under the deacon with the housel-vessels at the holy altar. Lacy's Pontifical, p. 83: Subdiaconum oportet praeparare necessaria ad ministerium altaris et diacono humiliter ministrare. Leo I. is by some said to have recognised the subdiaconate as a holy order in the West. From the Council of Laodicea it would appear to have already obtained this position in the East.

(245). Ordo Sti. Amandi ap. Duchêsne, p. 440.

took charge of the people's offerings of bread and wine as the bishop and archdeacon received them ([246]), and selected as much of them as was required for consecration for the deacon to prepare and place upon the altar ([247]). He held the water and towel for the bishop and deacon to wash and dry their hands with before the consecration ([248]), and, standing behind them, held the empty paten until the consecration-prayer was

(246). Isidor. de Offic. II. 10, 2: Subdeacons receive the oblations from the people in the Lord's temple. They are assistants to the office of Levites. They also present the vessels for the Body and Blood of Christ to deacons at the Lord's altar. Ordo Sti. Amandi ap. Duchêsne, p. 443: Then the pontiff comes down from his seat to receive the oblation-loaves from the people. . . . And as he receives them he hands them to a subdeacon, who places them in a corporal carried by two collets behind him. The deacons receive the wine-offerings, and the large chalice is carried by the subdeacon of the district, and the deacon empties the wine [as it is given him] into the large chalice. And when it is full it is emptied into the large bowl carried by collets. . . . Collets hold the corporal with the oblation-loaves, which the pontiff received from the people, at the right horn of the altar. And the subdeacon of the day (? temperita) chooses some from among them which he hands to the subdeacon of the district, who in turn hands them to the archdeacon who lays them out upon the altar in three or four rows. The information of Hugo de St. Victor, in Maskell Mon. Rit. II. 242: Subdeacons in the Lord's temple receive the people's offerings.

(247). In Leofric Missal, p. 213, the archdeacon addresses the candidate for the subdiaconate thus: The oblations which come to the altar are called the bread of presentation (propositionis). Of these oblations so much must be placed on the altar as will suffice for the people that none may remain over putrid in the vestry. The altar coverings over the under-napkin (pallae in substratorio) must be washed in one vessel, the corporals in another. That in which corporals have been washed must not be used for washing other things. The water must be poured away in the baptistry. Hugo de St. Victor l. c.: It belongs to subdeacons to place on the altar out of the offerings a quantity sufficient for the people of God. They must wash the corporals, altar-cloths, and under-napkins, and pour the water away in the baptistry.

(248). Isidor. ap. Gratian I. Dist. XXI. c. 11, § 14; Epist. ad Ludifred, *Ibid.* I. Dist. XXV. c. 1; Egbert's Pontifical (Surtees Society, vol. XXVII.): The subdeacon must read the Epistle, clothe and decorate the altar, and minister to the deacon. Christ was a subdeacon when He blessed water at Cana and changed it into wine.

concluded ([249]). After the communion he carried the empty vessels to the sacristy ([250]) and washed the altar linen ([251]).

39. As representative laymen subdeacons were admitted to office with considerable solemnity. In the Gallican Church they not only had delivered to them the instruments of office, the empty chalice and paten, but they also received a benediction, given without the imposition of hands, invoking upon them the sevenfold gifts of the Spirit ([252]), and their hands were anointed with holy oil ([253]). In the East they were ordained by the imposition of hands, but to indicate their character as representative laymen it was given to them outside the sanctuary ([254]). The duty of reading the Epistle in the service was also assigned to them ([255]), in token of which, since the thirteenth century, the book of Epistles is given to them at ordination. In consequence they were gradually treated as a hierarchical order. They were allowed to act as deputies for the Pope ([256]), and were held qualified for election to the episcopate.

40. Upon the disuse of solemn services in late mediaeval times, subdeacons, like deacons, were no longer required for ceremonial functions, and the care of temporal concerns was

(249). See Maskell's Ancient Liturgy, p. 86.

(250). Concil. Brac. I. A.D. 563, Can. 10; Concil. Martini A.D. 572, ap. Gratian I. Dist. XXIII. c. 32.

(251). Leofric Missal, p. 213, quoted note 247. The description of the subdeacon's duties is omitted in Lacy's Pontifical, p. 84.

(252). Leofric Missal, p. 213; Lacy's Pontifical, p. 84, call it consecration.

(253). Gelasian Sacramentary, p. 148 (622).

(254). See *Order*, § 13.

(255). Concil. Tolet. I. A.D. 400, Can. 4: [Let a criminous subdeacon] rank among door-wardens or readers, but without being admitted to read either the Epistle or the Gospel. Concil. Rem. A.D. 812, Can. 4: It is the subdeacon's office to read the Apostle. Amalarius, A.D. 829, Lib. II. c. 11, expresses his astonishment at subdeacons being allowed to read, "since this is not found to be part of the office committed to him at his consecration, nor [enjoined] by canonical rules, nor what his name implies." Micrologus, A.D. 1077, c. 8, makes the same reflection, and Durandus, A.D. 1286, Lib. II. c. 8.

(256). Gregory ap. Gratian I. Dist. XCIV. c. 1.

undertaken by a lower class of officials called ecclesiastical persons. In parochial churches synodsmen, now called churchwardens, presented the offering of the parish to the collet who acted instead of a deacon, and he in turn handed it to the priest. The subdiaconate still continued to exist in collegiate churches, but only as a degree in order and a stepping-stone to the presbyterate.

THE DUTIES OF NON-HIERARCHICAL ORDERS (257).

41. The highest of the non-hierarchical orders is that of acolytes, collets (258) or attendants (sequentes), a class of clergy peculiar to the Western Church, who, without ordination by the laying on of hands, are allowed to discharge some of the

(257). The duties of the several orders are set forth (1) in the Statutes of the Ancient Church, a mixed code for the Romanised Gallican Church, probably emanating from Arles at the beginning of the sixth century, ap. Gratian I. Dist. XXIII. c. 16 and 20; (2) by Isidore of Seville, assuming him him to be the author of the Epistle to Ludifred, which represents the Romanised Mozarabic use, *Ibid.* I. Dist. XXV. c. 1. Ludifred is otherwise unknown, but a bishop Leudificus signed the acts of the Fourth Council of Toledo, A.D. 633; (3) by Elfric, Bishop of Winchester, A.D. 957, Can. 11–14; (4) by Egbert's Pontifical, which represents the Anglo-Roman use adopted in the northern province about the eleventh century; (5) by various Pontificals, such as Lacy's, A.D. 1450, ed. Barnes, which represents the use in the diocese of Exeter. Egbert says: Christ was a door-warden when He shut and opened the ark of Noe, and opened the gates of hell. Wherefore now those who are called door-wardens have charge of the doors of the Church and sacristy, and ring the bell to call all men to the Church. Christ was a reader when He opened the book of Esaias the prophet. He was an exorcist when He cast the seven devils out of Mary Magdalene. He was a subdeacon when He blessed water at Cana, and changed it into wine. . . . He was a deacon when He broke the loaves to feed the multitudes, and washed the feet of His disciples. . . . He was a priest when He took bread and the chalice into His sacred hands, and looking up to heaven, to God the Father, blessed them and gave thanks. . . . Christ was a bishop when, raising His hands, He blessed His apostles before His Ascension.

(258). Cyprian, Ep. 27 (Oxf. 34), 3, mentions Favorinus, a collet, Ep. 35 (Oxf. 7), Naricus the collet. Const. I. Gray, A.D. 1250. Ἀκόλουθοι sequentes in ordo Sti. Armadi ap. Duchêsne Devoti Lib. I. Tit. II. § 30.

lower duties of the diaconate, such as, (1) assisting the bishop in temporal matters, (2) assisting deacons in the solemn ceremonies of the Church, and (3) assisting presbyters, in place of deacons, in non-solemn and private consecrations. In the Roman Church in the third century collets were more numerous than any other order, there being no fewer than forty-two of them, and it seems probable that six were told off for the service of each of the seven diaconal districts (regiones) ([259]).

42. The Roman collets in mediaeval times were divided into three classes, according to the three kinds of duties which they were called upon to perform. Some were collets of the palace, and attended on the pontiff at his residence, and conveyed his directions to the clergy and people ([260]). Others were collets of stations, and discharged ceremonial functions under the deacon and subdeacon at stational or solemn Eucharists when these were celebrated in the different Churches of the city ([261]). Others again were district or ward-collets, and within the wards to which they were attached performed the indispensable parts of the deacon's duties at the non-solemn Eucharists of titular presbyters ([262]).

43. Collets appear to have been introduced in the Cisalpine Church chiefly for the purpose of assisting deacons in the solemn service, and their duties are declared to be threefold, viz., (1) to prepare and light the lights in the sanctuary, (2) to hand the

(259). Cornelius in Euseb. VI. 43 ; Duchêsne 332.

(260). Devoti, l. c.

(261). Martinus ap. Gratian I. Dist. XXIII. c. 32, says a collet may handle the sacred vessels in the vestry, but not in Church.

(262). Devoti, l. c. Alexander III. to Bishop of Exeter in Decret. Lib. I. Tit. XVII. c. 6 : A priest alone cannot perform the solemnities of masses without the suffrage of an assistant. John the Deacon's Ep. ad Senarium 10 in Migne Pat. LIX. 405 : Collets differ from exorcists in this respect, that exorcists are forbidden to carry the sacramental signs and to minister to priests, and are wholly devoted to laying on of hands [on exergumens], or doing other things which fall within the province of exorcists. But collets undertake to carry the vessels with the sacramental signs, and are charged with ministering to priests. Therefore an exorcist can become a collet, but a collet cannot be moved down to the office of exorcist. Duchêsne, p. 332.

water and the wine for the offering together with the chalice to the subdeacon (263), and (3) to hold the ceremonial candle whilst the Gospel is being read and the oblation hallowed and at other appointed times, in honour of Christ Who is the true light (264). Collets are accordingly known as candle-bearers (ceroferarii) (265). At private consecrations they also discharge those parts of the deacon's duties which the priest can not discharge single-handed, and in this capacity are known under the parochial system as parish clerks (266). As such, in parochial Churches they hand to the priest not only the water and the wine but also the Eucharistic bread, which, by the rule of the thirteenth century, is provided by the parish (267). They say the responses, invite to prayer and praise, and generally wait on the priest in all his ministrations. To qualify them for these higher duties collets were in mediaeval times ordained with three solemn benedictions, and were said to be consecrated to their office (268).

44. The power of exorcising evil spirits was, in early times, held to be the first exercise of active discipleship, and as such

(263). Epist. ad Ludifred ap. Gratian I. Dist. xxv. c. 1, § 3; Lacy's Pontifical, A.D. 1450, p. 81: Acolitum oportet ceroferarium ferre et luminaria ecclesiae accendere, vinum et aquam ad Eucharistiam ministrare.

(264). Elfric Can. 14, A.D. 957; Maskell Mon. Rit. II. 182. See *The Eucharist*, note 134.

(265). Isidor. de Orig. Off. XIV. 1; Concil. Aquisgran. A.D. 806, Qu. 3; Information of Hugo de St. Victor ap. Maskell Mon. Rit. II. 241: Acolyti Graece, ceroferarii dicuntur Latine.

(266). Edgar's Law 35, A.D. 960: Let no priest celebrate mass alone without one to make responses to him. Concil. Nannet. in Decret. Lib. III. Tit. 1. c. 3: Let every presbyter in charge of a people have some cleric to sing with him, to read the Epistle and Gospel, one who is able to keep school and admonish his parishioners to send their children to Church to be instructed in the faith.

(267). Const. 3 Gray, A.D. 1250; Const. 27 Peckham, A.D. 1279.

(268). Lacy's Pontifical, p. 83: Quos in officium acolitorum consecramus. Hugo de St. Victor says in his information, ap. Maskell II. 241: They receive an empty cruet from the bishop's hand, because they are not worthy to bear a full one, to show that they may touch the vessels of the temple, but are not yet prepared to administer the office of holy orders.

to be within the capacity of every Christian (269). Since, however, it required for its exercise prayer and fasting (270), it was early confined to a limited class of persons who were appointed to guard the spiritual temple of the Church from evil spirits, as the custodians guarded the Jewish Temple in the time of Ezra (271). The exorcist's duties were defined to be, (1) to commit to memory the forms of exorcism, and to lay hands on those possessed with evil spirits, whether baptized or unbaptized, (2) to call upon non-communicants to withdraw, and (3) to pour water in the baptismal service (272). Exorcists were an important order in preparing for and administering solemn baptism (273). With the decline of the catechumenate their office declined also, and their duties were usually discharged by collets (274). After the sixth century they are only met with in the West as a degree of probationers for the presbyterate (275). In the East, on the other hand, exorcism was always looked

(269). Mark XVI. 17; Tertullian de Idol. c. 11: With what consistency will [a Christian] exorcise his own foster-children to whom he affords his own house as storeroom. Origen contra Celsum VII. 67: By the use of prayer and other means we drive demons out of the souls of men. Cyprian ad. Donat. Ep. I. 5, A.D. 246: [After baptism] there is given power . . . to force to avow themselves the impure and vagrant spirits that have betaken themselves into the bodies of men, to drive them out with heavy blows. . . . The matter is carried on there, but it is not seen. The strokes are hidden, but the penalty manifest. *Id.* Ep. 75, 15, A.D. 255, ad. Magnum. de Spect. 4: He who in the Church exorcises demons, praises their delights in public shows. See *Baptism*, notes 54, 67.

(270). Math. XVII. 21: This kind goeth not out but by prayer and fasting. Mark IX. 29.

(271). Isidor. de Offic. II. 13, 3: Actores templi exorcistae sunt in populo Dei. Concil. Aquisgran. A.D. 806, Can. 4 repeats this.

(272). Stat. Eccl. Ant. l. c. c. 18; Epist. ad. Ludifred, l. c.; Lacy's Pontifical, A.D. 1450, p. 81: Exorcistae competit abjicere demones, et dicere populo qui non communicet ut dat locum, et aquam in ministerio fundere. Hugo de St. Victor ap. Maskell Mon. Rit. II. 240, says that the exorcist performs his office at the opening of the ears in the baptismal service. See *Baptism*, § 8.

(273). Isidor. de Offic. II. 21; Duchêsne 305.

(274). Ordo Romanus ap. Duchêsne 288.

(275). Duchêsne 89.

upon as an extraordinary supernatural gift (276), only it might not be exercised without the bishop's sanction (277).

45. Readers appear as a distinct order in the second century, having succeeded to the lower functions of the prophets' office (278) when bishops succeeded to the higher ones. Their business was (1) to read the prophetic Scriptures and the Psalms in the public assemblies (279), and also to interpret them;

(276). Apost. Const. VIII. 26: An exorcist is not ordained; Duchêsne 331.

(277). Concil. Laodic. A.D. 363, Can. 26 ap. Gratian I. Dist. LXIX. c. 2: Those who have not been put forward (προαχθέντες) by the bishops may not exorcise, neither at Church nor at home. Lynd. 244.

(278). Justin I. Apol. c. 65, mentions a reader. Tertullian de Praescript. c. 41; Teaching of Addaeus, p. 29, says the Apostles appointed deacons and elders in the villages, and instructed in them those who should read the Scriptures. In Apost. Const. VIII. 22 the spirit of prophecy is invoked in ordaining a reader. Isidor. de Offic. II. 11: The order of readers has its form and beginning from the prophets. So also Rabanus de Cler. Inst. I. 11; Albinus Flaccus, p. 70; Concil. Aquisgran. A.D. 806, Can. 3. Amalarius de Eccl. Offic. II. 8, considers the office a continuation of the χάρισμα, called the word of wisdom (1 Cor. XII. 8) or interpreting prophecy. In the Egyptian "Church Ordinances," c. 17, the reader ranks above the deacons, and is said to work the place of an evangelist. In the Διδαχή, XIII., the prophet, if he settles in a place, is to have the firstfruits, because prophets are Christian high-priests, out of which it is implied he would provide for the poor. Lacy's Pontifical speaks of the reader as a preacher, and blessing the firstfruits as being his duty. Information of Hugo de St. Victor ap. Maskell Mon. Rit. II. 239: Readers took their origin from the prophets.

(279). Cyprian Ep. 32 (Oxf. 38), 2, in announcing the ordination of Aurelius as reader, says: Nothing is more suitable for the voice which has confessed the Lord than to sound Him forth in the solemn repetition of the Divine lessons, and to read the Gospel of Christ, by which martyrs are made. *Id.* Ep. 33 (Oxf. 39), 4, says: He should read the precepts and Gospel of the Lord. Stat. Eccl. Ant. A.D. 505, l. c. c. 1; Epist. ad. Ludifred, l. c., § 5 and § 7: As the preaching of the Old Testament is committed to readers, so is that of the New to deacons. Concil. Laodic. A.D. 363, Can. 15 ap. Gratian I. Dist. XCII. c. 3, and Concil. Brac. II. A.D. 572, Can. 45, forbid any one to read from the ambon except he has been ordained reader. Theodori Poenit. II. I. 10, A.D. 673, in H. & S. III. 191: A layman may not read the lessons in Church [*i.e.*, prophesy, the Epistle and Gospel] nor say the Alleluia, but only the Psalms and responses without Alleluia.

(2) to act as custodians of the prophetical books; and (3) to bless the bread and all firstfruits (280). In the Church of Alexandria they were taken indiscriminately from among the baptized and catechumens (281). At Rome readership was the initial step in the clerical life (282) to which children might be appointed, because their voices carried further than those of adults in large churches (283), and the Roman readers were attached to particular titles (284). They were required to wear a clerical habit (285), and the Seventh Œcumenical Council ordered them to be ordained by the imposition of hands (286). When public readings from the prophets were dropped in the fifth century except upon a few rare occasions (287), the sole duty left to them was that of chanting the Psalms. The school

(280). Lacy's Pontifical, p. 96: It behoves the reader to understand what he reads, and to chant the lessons distinctly, and bless the bread and all firstfruits." The blessing of the firstfruits appears to be a survival of the prophet's right. Διδαχή XIII. 3: Therefore all the firstfruits . . . thou shalt take and give to the prophets, for they are your chief priests." The blessing of firstfruits now takes place by the bishop or priest in the canon at the words, Per quem haec omnia. Duchêsne 174.

(281). Socrates v. 22; Cyprian Ep. 26 (Oxf. 29), speaks of readers and catechists as not belonging to the clerical office.

(282). Duchêsne 334; Cyprian Ep. 32 (Oxf. 38), 2: Although his deserts merited higher degrees, I judged it well that he should begin with the office of reader.

(283). The Constitutum Sylvestri enumerates 90 at Rome. In 484 A.D. there were about 500 clergy at Carthage, inter quos quam plurimi erant lectores infantuli (Victor Vit. III. 34 ap. Duchêsne 335). Isidor. de Offic. II. 11, 5, says that a clear voice is requisite for a reader.

(284). Batiffol Histoire du Breviaire, p. 49.

(285). Concil. Brac. I. A.D. 563, Can. 11: Ut lectores in ecclesia habitu seculari ornate non psallant neque granos gentili ritu dimittant.

(286). Cyprian Ep. 32 (Oxf. 38), 2: This man has been ordained [reader] by me, and by my colleagues who were present. Syn. VII. A.D. 787, Can. 14 ap. Gratian I. Dist. LXIX. c. 1: Since we see that some who in tender years received the tonsure without the imposition of hands do, without the imposition of the bishop's hands, irregularly read the short lessons (collecta) on the reading platform, for the future we forbid this to be done.

(287). Duchêsne 336.

of readers was then merged in the school of singers (288), and the readership continued only as a probationary degree for the presbyterate.

46. In the Eastern (289) and the Gallican Church, singers continued as an order distinct from that of readers, their duties being to sing the canticles, processional anthem, offertory anthem, and the responses (290). Singers were, however, not ordained by a bishop, but only admitted to office by a presbyter without any solemn investiture (291), and their office was not included among the probationary degrees for the presbyterate, doubtless because they were chosen for their voices rather than their merits. On this ground they were forbidden at Rome to discharge any of the deacon's duties (292). The school of singers, which is often mentioned at Rome after the seventh century, is really the school of readers (293), who combined the singer's duty of singing parts of the service with the reader's surviving duty of singing the Psalms. Women and girls are not allowed to act as singers in Church (294).

(288). Schools of readers existed at Lyons in 552 A.D., and at Rheims *Ibid.* 335.

(289). Apost. Const. III. 11.

(290). Epist. ad Ludifred, l. c. § 4, mentions the benediction-canticle, *i.e.*, the Song of the Three Children or the *Benedicite*; the psalm; the hymn of praise, *i.e.*, a portion of the Cherubic hymn sung in the Spanish Church after the procession of the oblation [Isidor. de Offic. I. 13, 4, says: That is sung before and after the readings]; the offertory-anthem, and the responses.

(291). Stat. Eccl. Ant. Can. 10, A.D. 505, ap. Gratian I. Dist. XXIII. c. 20, quoted under *Order*, § 18, note 90; Concil. Brac. II. A.D. 572, *Ibid.* I. Dist. XCII. c. 3.

(292). Gregory *Ibid.* I. Dist. XCII. c. 2; Concil. Clovesho, A.D. 747, Can. 27: Psalmody is a divine work, a great cure in many cases for the souls of them who do it in spirit and with zest. But they who sing with voice without the inward meaning may make the sound resemble something . . . but the Psalms are to be sung with the inward intention of the heart.

(293). Duchêsne, p. 335.

(294). The synod which condemned Paul of Samosata, in 265 A.D., stated as one of the charges against him in Euseb VII. 30, that he employed women as singers. Concil. Turon. II. A.D. 551, Can. 4, forbids lay persons (including women) within the chancel. Concil. Autissiodor. A.D. 578, Can. 9, forbids girls to sing in Church. See *Order*, § 44; *The Sacraments*, § 17.

47. The lowest of the non-hierarchical orders is that of door-wardens (ostiarii). This order was introduced in imitation of the 4000 door-wardens of the temple in David's time (295), and is met with at Rome about the middle of the third century (296). Their duties were, (1) to open and close both Church and sacristy at proper times, (2) to take care of the vessels and ornaments of the Church, or, as it was expressed, to guard all that is within and without, and (3) to exclude excommunicates and unbelievers (297). Hence they received the keys of the Church on admission to office. In later times they were also required (4) to hold the book for the preacher or reader (298), and (5) to notify the times of service with the bells (299). After the sixth century their lower duties were at Rome committed to a new class of servants called hostillars (mansionarii) (300), and the doorwardens, who up to the time of Gelasius had been treated as servitors below the ranks of order (301), were constituted the first of the four probationary degrees.

Orders of Women.

48. There existed in the early days of the Church several semi-clerical orders of women, one of which ranked next after deacons, and the two others next after confessors, and before all the simple orders of service (302). These are the orders of deaconesses, virgins, and widows.

(295). 1 Chron. xxiii. 5.

(296). Lib. Pontif. i. 155, mentions a door-warden (ostiarius), a companion of the martyred deacon Laurence, in 258 a.d.

(297). Epist. ad Ludifred, l. c. § 1; Information of Hugo de St. Victor ap. Maskell Mon. Rit. ii. 239 and p. 177.

(298). Lacy's Pontifical, p. 79: Ostiarium oportet percutere cymbalum, aperire ecclesiam, librum tenere ei qui praedicat.

(299). Elfric Can. 11, a.d. 957. The prayer in Leofric Missal, p. 211, is "that they may have a most faithful care, both day and night, to distinguish the hours for calling on the name of the Lord.

(300). Duchêsne 334.

(301). Gelasius, a.d. 494, ap. Gratian i. Dist. lxxvii. c. 8: Without knowledge of letters a man could hardly discharge the door-warden's duties.

(302). Apost. Const. viii. 24, 25.

49. The deaconesses of early times constituted purely an order of service, and had no share in the spiritual gift of the diaconate (303). They kept the doors in the portion of the church allotted for the use of women. They prepared women for baptism, and acted as assistants to presbyters and deacons in the baptizing of women (304). They visited women when sick, and were the agents through whom women addressed their communications to the bishop (305). Early rule required them to be pure virgins or widows who had only been once married (306), and not under forty years of age at the time of their appointment (307). Usually they were admitted to office by the imposition of the bishop's hands (308). If they afterwards married they were declared to be anathema (309). In

(303). Rom. XVI. 1 mentions Phœbe the deaconess. Ignat. ad Smyrn. c. 12: I salute the virgins who are called widows [*i.e.*, deaconesses]. Pliny, Epist. X. 97, mentions ministras (deaconesses). Apost. Const. VIII. 28: A deaconess does not bless nor perform anything belonging to the office of presbyters or deacons, but only is to keep the doors and to minister to the presbyters in the baptizing of women on account of decency.

(304). Apost. Const. III. 15: We stand in need of a woman, a deaconess, for many necessities; and first in the baptism of women the deacon shall anoint only their forehead with the holy oil, and after him the deaconess shall anoint them [*i.e.*, the rest of their persons, or the back and bosom], for there is no necessity that the women should be seen by the men; but only in the laying on of hands the bishop shall anoint her head; VIII. 28: [A reader and a deaconess] are ministers to a deacon. Thomassin Discip. de l'Eglise I. 1, 52; II. I, 43.

(305). Apost. Const. II. 58.

(306). Apost. Const VI. 17: Let the deaconess be a pure virgin, or, at the least, a widow who has been but once married, faithful, and well esteemed. Tertullian ad Uxor. 1, 7: The Apostle suffers not men twice married to preside over a Church, when he would not grant a widow admittance into the order [of deaconesses] unless she had been the wife of one man. Devoti Inst. Lib. I. Tit. IX. § 22.

(307). Concil. Chalcedon A.D. 451, Can. 15.

(308). Apost. Const. III. 15; VIII. 19: Thou shalt lay thy hands upon a deaconess in the presence of the presbytery and of the deacons and the deaconesses and pray. Concil. Chalcedon, Can. 15: Let not a woman be ordained deaconess before she be forty, and that with strict examination.

(309). Concil. Chalcedon A.D. 451, Can. 15 ap. Gratian Caus. XXVII. Qu. 1. c. 23: If after ordination and continuance in ministration a deaconess

the fifth century the Roman rule of not ordaining deaconesses became general in the West (310). The term deaconess was also used in the Gallican Church to express the wife of a deacon, just as a presbyter's wife was called a presbyteress (311), and a bishop's wife a bishopess (312).

50. The orders of virgins and widows have, as such, no ministerial office in the Church. The order of virgins stands before the order of widows, because it is an order of self-sacrifice. It consists of those who have dedicated their virginity to Christ by a life-long vow (313), and are maintained like others on the roll of the Church out of its revenues (314). The entrance to this order is purely voluntary (315). Those who embrace it are not ordained like deaconesses (316), but are veiled or consecrated (317); and those who have once been entered on the roll of the Church as virgins (318), although not

marries, despising the gift of God, let both her and her husband be anathematised. Novellae *Ibid.* c. 30; Concil. Aurel. II. A.D. 533, Can. 17.

(310). Concil. Araus A.D. 444, Can. 26, forbids to ordain a deaconess; Concil. Epaon. A.D. 517, Can. 21, forbids widows to be ordained deaconesses; Concil. Aurel. II. A.D. 533, Can. 18: Let no woman in future receive the benediction of the diaconate. Concil. Turon. II. A.D. 567, Can. 20.

(311). Concil. Turon. II. A.D. 567, Can. 19; Autissiodor. A.D. 578, Can. 21; Devoti Inst. Lib. I. Tit. IX. § 23.

(312). Concil. Turon. II. Can. 13.

(313). See Methodius' Banquet of the Virgins. Cyprian de Vest. Virg. c. 4: [Virgins] have dedicated themselves to Christ, . . . and have vowed themselves to God as well in the flesh as in the spirit.

(314). Apost. Const. VIII. 30: Let the tithe be for the maintenance of the rest of the clergy and of the virgins and widows.

(315). 1 Cor. VII. 25; Rev. XIV. 4; Apost. Const. IV. 14: Concerning virginity we have received no commandment, but we leave it to the power of those that are willing as a vow. Isidor. de Offic. II. 18, 4.

(316). Apost. Const. VIII. 24: A virgin is not ordained.

(317). Isidor. de Offic. II. 19, 11, gives as the reason because they are excluded from participating in the gift of order, and veiling is an honorary distinction. Presbyters are forbidden to veil or consecrate them except when specially authorised. See above, § 25.

(318). Socrates I. 17 describes them as ἐν τῷ κανόνι, whence they are called canonical virgins. Devoti Inst. Lib. I. Tit. IX. § 21.

veiled or consecrated, are expected to keep their position (319), or otherwise to submit to penance for leaving it (320). Virgins are required to be not less than twenty-five years of age at the time they are veiled (321), except some special reason calls for their being veiled sooner (322), and to keep themselves holy in body and soul, "as the temples of God, the house of Christ, and the habitation of the Spirit" (323). They are forbidden to be gadders-about or double-minded, or to frequent the company of those of ill reputation (324), and are ordered to be treated

(319). Cyprian de Vest. Virg. c. 20; Concil. Tolet. I. A.D. 400, Can. 16 ap. Gratian Caus. XXVII. Qu. 1. c. 27: A consecrated virgin who falls into sin must not be received in the Church until she has done full penance, . . . but one who has married must not be admitted to penance unless she lives as a virgin, either during his lifetime or after his death. Innocent, A.D. 404, *Ibid.* c. 9, 10: Those who have given out that they would always remain in virginity, although they have not been veiled, ought to do penance if they afterwards marry, but those who spiritually espouse Christ and are ruled by the bishop (sacerdos), if they afterwards publicly marry may not be admitted to penance unless their husbands withdraw from the world. Augustin *Ibid.* c. 20; Hieronym. *Ibid.* c. 4 and 5: If a virgin marries she does not sin. But it is otherwise with a virgin who has dedicated herself to God. If one of these marries she has damnation, because she has made her first faith of none effect.

(320). Concil. Ancyr. A.D. 314, Can. 18 ap. Gratian Caus. XXVII. Qu. 1. c. 24, directs them to be treated as bigamists. Augustin *Ibid.* c. 41; Concil. Araus. A.D. 441, Can. 28: In either sex those who desert a profession of chastity must be looked upon as evaders of truth (praevaricatores), and all of these must be set right (consulendum) by lawful penance. Innocent I. A.D. 404, *Ibid.* c. 10; Theodori *Ibid.* I. Dist. XXVII. c. 3: If one who has a simple vow of virginity marries a wife, let him not afterwards put her away but do penance three years.

(321). Concil. Carthag. III. A.D. 397, Can. 4.

(322). Concil. Carthag. A.D. 418, Can. 18, in Codex Eccles. Afric. 126, says, to save them from being ravished. Concil. Turon. II. A.D. 567, Can. 20.

(323). 1 Cor. VII. 34; Apost. Const. IV. 14; Concil. Elib. A.D. 305. Can. 13 ap. Gratian Caus. XXVII. Qu. 1. c. 25, forbids such as allow themselves to be corrupted to receive communion in extremis. Concil. Tolet. I. A.D. 400, *Ibid.* c. 27, prescribes ten years' penance. Gregory *Ibid.* c. 15, 18, 22, requires them to embrace a stricter rule. Concil. Tribur. Can. 6, A.D. 895, *Ibid.* c. 11, orders them to be kept in laborious confinement.

(324). Apost. Const. IV. 14.

with respect, as being the Church's "altar of incense and the incense itself" ([325]).

51. The order of widows is an order of intercession rather than of sacrifice, and stands on a somewhat lower level ([326]). To this order, which is also entitled to be supported by the Church ([327]), only those who have been once married ([328]) and are over sixty years of age ([329]) are admitted. By the Greeks, widows were often called presbyteresses ([330]), and sometimes discharged the duties of deaconesses, but were distinguished from them as being unordained ([331]). Widows are required to be meek, quiet, gentle, not talkative, not given to evil-speaking, not busy-bodies ([332]), not putting themselves forward as teachers ([333]) or baptizers ([334]), but to be obedient to the bishop, and to presbyters, deacons, and deaconesses in all things ([335]). Widows are not ordained ([336]), nor are

(325). Apost. Const. II. 26: Let the widows and orphans be esteemed as representing the altar of burnt-offering, and let the virgins be honoured as representing the altar of incense and the altar itself. See *Baptism*, note 216.

(326). Apost. Const. VIII. 25.

(327). Acts VI. 1; 1 Tim. v. 12; Apost. Const. III. 3; VIII. 29; Stat. Eccl. Ant. A.D. 505, Can. 103.

(328). 1 Tim. v. 9: *ἑνὸς ἀνδρὸς γυνή*; v. 11: Refuse younger widows *ὅταν γὰρ καταστρηνιάσωσι τοῦ Χριστοῦ, γαμεῖν θέλουσιν· ἔχουσαι κρῖμα, ὅτι τὴν πρώτην πίστιν ἠθέτησαν.*

(329). Apost. Const. III. 1; 1 Tim. v. 9, requires them to be not less than sixty. Likewise Tertullian de Virg. Vel. c. 9.

(330). Concil. Laodic. A.D. 363, Can. 11, calls them *πρεσβύτιδες ἤτοι προκαθήμεναι*, for which Gratian I. Dist. XXXII. c. 19 substitutes, apud nos viduae, seniores, univirae (wives of one husband) et matricuriae (*i.e.*, matriculariae = those on the matricula or church-roll).

(331). Concil. Nic. A.D. 325, Can. 19: Those who are deaconesses in habit, having received no imposition of hands, shall be treated as laity. Duchêsne 329 regards widows and virgins as being those who are called deaconesses, but the 1500 widows at Rome mentioned by Cornelius, A.D. 251, in Eus. VI. 43, cannot have been all deaconesses.

(332). Apost. Const. III. 5.

(333). Apost. Const. III. 6.

(334). Apost. Const. III. 9.

(335). Apost. Const. III. 7.

(336). Apost. Const. VIII. 25; Concil. Laodic. A.D. 363, Can. 11 ap. Gratian I. Dist. XXXII. c. 19; Concil. Turon. A.D. 567, Can. 20.

they in the West veiled by a bishop ([337]), but after making a written profession ([338]) they veil themselves without any benediction ([339]). If they afterwards marry, they are ordered to be excommunicated ([340]). Their business is to pray continuously for those that give and for the whole Church ([341]),

(337). Concil. Rothomag. A.D. 650, Can. 9; Concil. Tribur. A.D. 895, ap. Gratian Caus. XXVII. Qu. l. c. 8: Let no bishop dare to veil widows. Theodori Poenit. II. III. 7, A.D. 673, in H. & S. III. 193: The Greeks bless alike a widow and a virgin, and choose either to abbess. The Romans do not veil a widow like a virgin (cum virgine).

(338). Concil. Araus. A.D. 441, Can. 27 ap. Gratian Caus. XXVII. Qu. l. c. 35: The profession to preserve widowhood, made before a bishop in writing, may not be violated after the widow's garb has been assumed before the bishop. Concil. Tolet. IV. A.D. 633, Can. 56: There are two kinds of widows, (1) secular and (2) hallowed (sanctimoniales). . . . Hallowed widows are those who, changing the secular habit, have appeared in a religious garb either before the bishop or in church. Concil. Tolet. X. A.D. 656, Can. 4 *Ibid.* Caus. XX. Qu. l. c. 16: Let a widow who wishes to devote herself to religion make a profession in writing before a presbyter or deacon, stating her purpose and her intention of inviolately carrying it out. Then having received from the presbyter or deacon a habit suitable for the profession of religion, let her wear it night and day, nor let it be a distinguished garment, particoloured or with trimmings, but religious and giving no offence.

(339). Gelasius ap. Gratian Caus. XX. Qu. l. c. 11, A.D. 494, forbids a bishop to veil a widow; also Martin. A.D. 572, *Ibid.* Caus. XXVII. Qu. l. c. 8; Nicolaus *Ibid.* c. 34, and I. Dist. XXVII. c. 6, speaks of a widow veiling herself. Gelasius *Ibid.* Caus. XXVII. Qu. l. c. 42: We have already spoken of the veiling of widows without any benediction.

(340). Concil. Tolet. III. A.D. 589, ap. Gratian Caus. XXVII. Qu. l. c. 38: If widows, before they profess continence, choose to marry, let them do so. But after the profession, 1 Tim. v. 11 says ἔχουσι κρῖμα. Stat. Eccl. Ant. A.D. 505, Can. 10, forbids any communion to be had with such. Augustin *Ibid.* Caus. XXVII. Qu. l. c. 33, says, "because of the breach of vow." Concil. Araus. A.D. 441, *Ibid.* c. 35; Gregory *Ibid.* c. 2; Concil. Paris V. A.D. 615, Can. 13; Concil. Worm. A.D. 868, *Ibid.* c. 34; Concil. Tolet. VI. A.D. 638, Can. 6, *Ibid.* Caus. XX. Qu. III. c. 2; Isidor. de Offic. II. 19, 5.

(341). Apost. Const. III. 5: Let the widow mind nothing but to pray for those that give, and for the whole Church; III. 7: As Judith prayed to God night and day for Israel [Judith IX. 12], so also the widow who is like to her will offer her intercession without ceasing for the Church to

whence they are said to be affixed to the altar of Christ (342).

52. In the Middle Ages the orders of virgins and widows disappear from view under those names, but are found existing as cloistered nuns or uncloistered canonesses, whose duties will be mentioned under the subject of discipline. By Gallican rule, the widows of presbyters and deacons were strictly forbidden to marry again (343), and were expected to enter and had the privilege of being received into religious houses as canonesses. The same privilege and disability were enjoyed by the widows of reigning sovereigns in Spain (344).

Ecclesiastical Persons.

53. In the times which followed the breaking-up of the Roman Empire and the hasty conversion of the northern nations, a large number of those who outwardly bore the Christian name and had received baptism, were not only careless in regard of Christian duties, but also indifferent to the exercise of Christian privileges. Those with whom it was otherwise, for the most part sought and obtained admission to the ranks of order, or else embraced the monastic life. Some few, nevertheless, retained their full position and privileges as laymen in the world; and these, in contrast to the clergy on the one hand, and to the mass of indifferent Christians, who practically were no better than probationer-catechumens, on the other, were termed ecclesiastical persons.

54. Properly, the term ecclesiastical persons is used to denote all who are members of the Christian ἐκκλησία, *i.e.*,

God. Stat. Eccl. Ant. A.D. 505, Can. 103 ap. Gratian I. Dist. LXXXI. c. 34: Widows who are supported by the Church ought continuously to pray for the Church. Concil. Worm. A.D. 868, *Ibid.* Caus. XXVII. Qu. I. c. 34, speaks of them as praying and making oblations.

(342). Apost. Const. III. 6: Let the widow, therefore, own herself to be the altar of God; III. 7: Such [unworthy] widows are not affixed to the altar of God. II. 26; Tertullian ad Uxor. I. 7.

(343). Concil. Autissiodor A.D. 578, Can. 22: It is forbidden to the widow of a presbyter, a deacon, or a subdeacon, after his death, to marry again. Concil. Matiscon. II. A.D. 585, Can. 16. See *Wedlock*, § 14.

(344). Concil. Tolet. XIII. A.D. 683, Can. 5.

the faithful generally (345). In the times of laxity referred to, it came to be confined to two classes of persons—(1) to those who were called religious persons, such as ascetics and confessors, monks and nuns, who openly professed and pledged themselves to pursue perfection (346); and (2) to various lay-officials of the Church (347), whose position made them amenable to discipline, and who were, therefore, presumed to be living according to ecclesiastical rule (348). The outward mark of both classes was the tonsure (349) and wearing the garb of

(345). Iren. Haer. III. 16, 2, A.D. 175: The Valentinians call those who belong to the Church gild-members (καθολικούς, rendered communes) and ecclesiastical persons (ἐκκλησιαστικούς = members of the ἐκκλησία), therein imitating our phraseology.

(346). Joan. Damasc. de Confess. c. 11 says that the power of binding and loosing has passed from the high-priests to the elect people of God, to wit, the monks, because of the degeneracy of the priesthood.

(347). Concil. Chalcedon, A.D. 451, Can. 2, calls them οἱ ἐν τῷ κλήρῳ, and excludes from their number monks. Lynd. 85, 152, 191; Devoti. Inst. Lib. I. Tit. I. § 1 and 12.

(348). Const. 49 Langton, A.D. 1222: Let no Churches be let to farm, but to one in orders, of whom it may be presumed that he will apply the fruits to good uses. Const. 8 Otho, A.D. 1237: That Churches be not at all farmed to laymen nor to ecclesiastical persons for above five years. Const. 15 Peckham, A.D. 1281: That Churches be not farmed but to holy and reputable ecclesiastical persons, whom the bishop may freely coerce. The statute 13 Eliz. c. 2, A.D. 1570, forbad such leases, unless the leasing incumbent were resident, or unless they were made by a dispensed pluralist to his resident curate. 43 Geo. III. c. 84 forbad them altogether.

(349). Morinus de Ord. Pars. III. Ex. 15, c. 3 contends that there never were any clergy who became such by the tonsure without being admitted to some degree of order. Mabillon Acta Sanct. in Praefat. ad Saec. 3, Vol. III. Pars. I., § 1, c. 19, contends that at an earlier time than Morinus imagines, the tonsure was separate from order. In the sixth century, Greg. Tur. Hist. Franc. Script. I. 303 relates: Propria manu capillos incidens clericus factus est, which may be explained by Concil. Tolet. IV. A.D. 633, Can. 55, which speaks of secular persons embracing a life of penance [as monks], and giving themselves the tonsure. Whence it is seen that tonsured persons were at first only monks. Baeda III. 5 contrasts shorn monks with laymen. Honorius III., in Decret. Lib. III. Tit. II. c. 10, lays it down that one who has received the tonsure only is not bound to wear the clerical habit, if he takes arms.

religion; and it was held to be an essential qualification for the tonsure that the candidates should be literate persons (350). Canonists hold that the tonsure is a deputation towards receiving spiritual power, a prelude to orders, which separates from the state of conventional lay life, and that consequently all tonsured persons whether monks or clerks are an order (351). Theologians refuse to allow to them this position (352), on the ground that they belong to neither of the two orders of intercession or of service, and are only a section of the third order of laymen.

55. As hospitality to poorer members of the One Body is a fundamental duty of Christians, so it was always deemed to be a peculiar obligation of the Church to provide for the necessities of religious persons. Hence confessors (353) and ascetics, who had sacrificed themselves for the glory of God and the enlightenment of the world, were in former times placed on the roll of the Church in large cities and maintained by it. Under the system of foundations of mediaeval times, the religious, *i.e.*, monks and nuns, were endowed with tithes and landed estate as property given to God (354), and

(350). Gelasius, A.D. 494, ap. Gratian I. Dist. LXXVII. c. 8: Without letters he can scarcely discharge the door-warden's office. Boniface VIII. in Sext. Lib. I. Tit. IX. c. 6.

(351). Relying on Innocent. III. in Decret. Lib. I. Tit. XIV. c. 11: Since it sometimes happens that laymen taking refuge in monasteries receive the tonsure from their abbots, and you inquire whether the clerical order is conferred by such tonsure, we answer [referring to Syn. VII. ap. Gratian I. Dist. LXX. c. 1] that the clerical order is bestowed by the first tonsure given according to the form of the Church.

(352). Relying on Boniface VIII. in Sext. Lib. I. Tit. IX. c. 4: Let no bishop or other person presume to bestow the clerical tonsure on an infant, unless he join a religious order, or on an illiterate person, or on the subject of any other bishop without his superior's leave, nor on a married man, unless he desires to enter religion or to be promoted to holy orders.

(353). Apost. Const. VIII. 13; Cyprian Ep. 36 (Oxf. 12): Manifest all care for those who with a glorious voice have confessed the Lord. . . . Let no consideration be wanting.

(354). Concil. Paris A.D. 829, Can. 16 ap. Gratian Caus. XVI. Qu. 1. c. 68: Since all that the clergy (clerici) have belongs to the poor, and their houses should be open to all, they ought to be ever ready to receive strangers

tonsured clerks were permitted to receive ecclesiastical dues, and to be temporary lessees of ecclesiastical property. Thus, in an age when the higher clergy were often given to covetousness, the principle was vindicated that it is a duty of the faithful to make provision, not only for the clergy but for all their poorer brethren in need (355) who faithfully live a Christian life.

56. The various lay officials of the Church, who are now comprised under the designation of ecclesiastical persons, include—(1) the property-stewards, or administrators (356) of bishops, and, in later times, of incumbents also, who, when the leasing of ecclesiastical benefices was allowed, were accounted fit persons to hold such leases (357); (2) the judges in ecclesiastical courts (358), who discharged the judicial duties once exercised by the whole body of the faithful in common with their rulers (359); (3) the hostillars, or house-stewards, who presided over the guest-houses of the Church, and, more particularly, the order of that name which had charge of the guest-houses of the Church in the Holy Land; (4) the military retainers of the Church, who protected Churches amid dangerous surroundings, and safeguarded pilgrims from brigands, such as the order of the Templars; and (5) the various secretarial officers—archivists, registrars, notaries, and others—who kept the acts and roll of members, and the judicial records (360).

57. Unless otherwise bound to continency, as monks are,

and guests. Their greatest care should be to supply from their tithes and offerings as large a maintenance as they will and can to monasteries and guesthouses. It is, therefore, permitted (liberum est) to grant tithes and oblations and penance-dues (remedia) to monks and spiritual men who fear and worship God, and to transfer them from private hands to their dominion and use, not regarding poverty so much as religion among the poor. See *The Parish.*

(355). Synod Rem. A.D. 502, ap. Gratian I. Dist. XCVI. c. 10, § 3; Pseudo-Hieronym. *Ibid.* I. Dist. XCIII. c. 23, § 5.

(356). Οἰκονόμοι, in Concil. Chalcedon, A.D. 451, Can. 2; Lynd. 152.

(357). See above, note 348.

(358). See *The Diocese.*

(359). 1 Cor. v. 4. See *Order*, note 19.

(360). See *The Diocese.*

or holding certain judicial offices (361), ecclesiastical persons are not under restraint in respect of marriage (362). They are, however, subject to ecclesiastical discipline (363), and are forbidden to be admitted to spiritual benefices which have a cure of souls (364). In this country, custom based upon civil legislation, now exempts even judicial officers of the Church who control the clergy from matrimonial disabilities, provided they have graduated in the science of canon law (365).

(361). Const. 2 Chichele, A.D. 1415.

(362). Concil. London, A.D. 1175, Can. 1: Any under subdeacons must keep their wives if they are married, unless by mutual consent they choose to be religious. Alexander III. to Archbishop of Canterbury and Bishop of Hereford, in Decret. Lib. III. Tit. III. c. 1 and 2.

(363). Const. 19 Boniface, A.D. 1261; Const. 15 Peckham, A.D. 1281: Ecclesiastical persons whom the bishops may freely coerce. Lynd. 221, 152, 352.

(364). Concil. Westminster A.D. 1200, Can. 14; Devoti Lib. I. Tit. I. § 12.

(365). 37 Hen. VIII. c. 17.

VII.

WEDLOCK.

Christian and Legal Wedlock.

1. Among laymen those who are married constitute a separate rank or estate which is recognised as having distinct duties of its own, and to which solemn admission is given in the Church. This estate is termed the conjugal or wedded order (1), and its members are said to hold a position of united life initiated by mutual consent and endowed with a spiritual grace. Wedlock is, however, of two kinds: (1) carnal, and (2) spiritual. Carnal wedlock is a position of united life in which the instinct connecting the sexes is brought under the rule of Christ and acquires definiteness and sanctity, whereby it becomes a means of grace and a safeguard against sexual sin. Spiritual wedlock is a position of united life in which the spiritual relationship between a prelate and his Church is hallowed for the edification of both.

2. Carnal wedlock or matrimony, sometimes called the sacrament of the imperfect (2), is at once—(1) a natural relation, the end of which is offspring (*proles*), (2) a civil relation or contract (*fides*), and (3) among Christians a spiritual relation elevating and hallowing the other two (*sacramentum*) (3). As a natural

(1). It is called ordo conjugalis, Gratian I. Dist. XVI. c. 11; ordo conjugatorum by Gregory. See *Order*, § 1.

(2). Const. 9 Peckham, A.D. 1281: There are two other sacraments, order and wedlock. The first is proper for the perfect, the other, in the times of the New Testament, to the imperfect only. Lynd. 44; Clement Alex. Strom. II. 23: Whether we ought to marry or not is one of the points which are said to be relative.

(3). Augustin ap. Gratian Caus. XXVII. Qu. II. c. 10: The whole benefit of nuptials was fulfilled in the parents of Christ—offspring, fidelity, lifelong companionship (proles, fides, sacramentum). We know they had Christ as offspring; there was fidelity because there was no adultery, and

relation, it is the marital coupling of man and woman for the sake of offspring (4); as a civil relation, it is a tie or obligation of fidelity, which by the law of the state the married incur to one another so long as the contract subsists (5). The marital coupling and the obligation of fidelity together constitute yoke-fellowship (conjugium) or the state of wedlock. As a spiritual relation among Christians it is a yoke-fellowship for life founded upon divine grace (6), which by the sanctity attached to the plighted troth (sacramentum) (7), and the limitation of the

lifelong companionship because there was no separation, *Ibid.* Caus. XXXII. Qu. I. c. 11 : Some things belong properly to nuptials, by which nuptials are distinguished from concubinage [adulteria in the generic sense], such as fidelity to the conjugal bed, the care of procuring children in due course, and (what is the greatest difference) the good use of an evil thing, *i.e.*, the good use of the desire (concupiscentia) of the flesh, which good use libertines abuse. See Methodius' Banquet of the Virgins, Dist. II.; Isidor. de Offic. II. 20, 10 : By fidelity is understood being true to one another ; by offspring, that it be lovingly undertaken and chastely brought up ; by sacrament, that the union be not broken or any fresh union entered upon for the sake of offspring. Thom. Aquin. in 4 Dist. 26 Qu. 2 Arg. 2 : Matrimony was instituted for a natural purpose in man's first estate of innocence. It was appointed to be a remedy against sin in the estate of fallen nature. Under the new law it was appointed by Christ to be a sacramental sign. Ayliffe 360.

(4). Ambros. ap. Gratian Caus. XXXII. Qu. II. c. 1 : It is sad for women not to have the reward of nuptials [*i.e.*, offspring], to whom this is the one reason for marrying. Since the reward of wedlock and the grace of nuptials for women is to bear children, it is no wonder that the virginity of Mary deceived the world.

(5). Augustin *Ibid.* c. 3 : Married people owe one another not only sexual fidelity for the sake of producing children, but also mutual submission for the sake of bearing with one another's infirmities to avoid illicit embraces.

(6). Innocent, A.D. 404, ap. Gratian Caus. XXXIV. Qu. I. c. 2, calls it conjugium gratia divina fundatum. Tertullian ad Uxor. c. 8 : Whence are we to find words to tell the happiness of marriage which the Church cements, the oblation confirms, the benediction seals, angels announce, the Father holds ratified ? Liebermann VI. 899.

(7). Augustin de Bono Conjugali c. 24 : The good of marriage amongst all nations and all men is [1] the procreation of children, and [2] fidelity ; but amongst God's people it is also [3] the sanctity of the plighted troth

marital coupling to one person (8), becomes a visible representation (sacramentum) of the union betwixt Christ and His Church (9). If a position of united life is entered upon for other purposes than the sake of offspring (10), still the character of sacramental wedlock cannot be denied to it, provided it is (1) a union between Christians, (2) is undertaken for life and not for temporary lust, and (3) there is no desire to escape from the natural consequences of wedlock (11).

3. In regular course Christian wedlock is entered upon by two acts (12)—(1) the promise of marriage or betrothal, and

(sacramenti sanctitas), which makes it a crime (nefas) to divorce one and marry another during her lifetime. *Id.* ap. Gratian l. c. c. 5 : Concubines taken for a time, even if the object is the procreation of children, do not make concubinage lawful (justum).

(8). Clement Alex. Strom. II. 23 ; Gratian Caus. XXVII. Qu. II. Init. : Viri mulierisque conjunctio individuam vitae consuetudinem retinens, the latter words representing the Christian addition to a natural relation. Ayliffe 359 ; Devoti Lib. II. Tit. II. § 102 ; Liebermann VI. 884 ; Perrone Praelect. 297.

(9). Eph. v. 25, 32.

(10). Lynd. 273 mentions as secondary goods contemplated by marriage, bringing kindred spirits together, the acquisition of money and friends, the settlement of feuds.

(11). Augustin *Ibid.* c. 6 : The question is sometimes asked whether, if two unmarried persons come together, not for the purpose of begetting children but only from incontinence, pledging mutual fidelity to one another, such a relation can be called marriage (nuptiae). It may indeed not improperly be called a state of marriage (connubium a marriage allowed by law), if, (1) it is agreed that it shall continue to the death of one of the parties, and (2) they have not avoided the begetting of children, although they have not been united for that purpose, so that they are not unwilling that issue should be born, and have taken no unlawful means to prevent issue being born. But if one or both of these [conditions] are wanting, I do not see how such a union can be called marriage (nuptiae). Gregory IX. in Decret. Lib. IV. Tit. V. c. 7.

(12). Augustin ap. Gratian Caus. XXX. Qu. V. c. 4 : A proper and lawful wife should be a chaste virgin—[1] betrothed in her virginhood, lawfully endowed, given by her parents to the bridegroom, and received at the hands of her bridesmaids, and [2] according to the law and the Gospel she should be taken to wife by public nuptials, and all the days of her life never be separated from her husband except by consent for prayer,

(2) the act of marriage or the nuptials. The betrothal (13) or desponsation (14), called also the espousal *de futuro* (15) or conjugal

and she shall be dismissed if she prove untrue, but none other be wedded during her life. Pseudo-Isidor. *Ibid.* c. 1: Marriage is not lawfully entered upon unless—[1] the wife is asked for at the hands of those who have the charge and custody of her, and is betrothed by her parents and friends, and endowed according to law, and [2] in proper time blessed with the priest's blessing, with prayers and oblations, as is the custom, and being asked for at the hands of her friends at the proper time is given away according to law and solemnly received, and both bride and bridegroom devote themselves to prayer for two or three days, and preserve chastity. Concil. Turon. II. A.D. 567, Can. 20; Nicolaus *Ibid.* Caus. XXXI. Qu. II. c. 4.

(13). Ancient Form of Espousal, A.D. 946, in Johnson: If a man will marry a maid, and she and her friends so please, then it is fit that the bridegroom, according to God's law, do—[1] first covenant and promise with him that acts for her that he desires to have her on condition to retain her according to the divine right as a man ought to retain his wife; and let his friend give caution for that. Then let it be known who is bound to maintain them, and let the bridegroom promise this and afterward his friend. Let the bridegroom declare with what he endows her if she outlive him. . . . Let him finish all with a pledge of his promise, and let his friend be surety for it. If they are agreed as to all the particulars, then [2] let the kindred take their kinswoman and wed her to him that wooed her for a wife and an honest life, and let him that was principal in making the match take surety to this purpose.

(14). Desponsatio is used of a promise to marry at a future date, by Hieronym. ap. Gratian Caus. XXVII. Qu. II. c. 13: A man whose wife is dead may marry another, provided she be not divorced or betrothed (desponsata) to another. Gregory *Ibid.* c. 12: Let him who marries the betrothed girl of his neighbour be anathema . . . not one who was his wife, but one who ought by her parents' gift to become his wife. Gregory *Ibid.* c. 14: If any one has betrothed himself or given an engagement pledge (subarrhaverit) to a wife, let none of his close kindred marry her, although he was prevented by death from marrying her. Theodori Poenit. II. XII. 33, in Haddan and Stubbs III. 201, and *Ibid.* c. 27: Parents may not give a betrothed girl to another, unless she resolutely refuses [to wed her betrothed], but she may, if she will, enter a nunnery. Concil. Tribur. A.D. 895, *Ibid.* c. 31.

(15). Lynd. 271: The espousal is the promise of future nuptials, but the nuptials or matrimony is the marital coupling of man and woman, retaining the individual habit thereof for life.

pact (16), and sometimes the wooing (17), or in Roman times veiling (18), is an agreement entered into before witnesses (19) by or on behalf of two persons (20) not disqualified from contracting, whereby they pledge themselves to proceed to actual marriage at a future date. Formerly betrothal was made solemnly by oath, and was followed by the priest's blessing (21); but solemn betrothal as a separate act has long been obsolete in this country, and now only exists as the preliminary part of the marriage service. The publication of the intention to marry, or as it is usually termed banns, is, however, required as a preliminary (22), in order to ascertain (1) that no canonical

(16). Augustin ap. Gratian Caus. xxvii. Qu. ii. c. 51, distinguishes—[1] the pactio conjugalis from the [2] consensus which constitutes matrimony. If any one has *contracted* to marry a woman he ought not to wed another. If he does, he ought not to put the other away, but to do penance for a breach of contract. But if he has *solemnly consented*, he may not marry another, and if he does must put her away.

(17). Augustin ap. Gratian Caus. xxvii. Qu. ii. c. 39: It is appointed that such as are betrothed be not married at once, lest the husband think little of the wife whom he has not longed for (suspiraverit) with delay. Concil. Paris iii. a.d. 557, Can. 5, calls this courtship (competitio). Ancient Form of Espousal, quoted note 13, calls it wooing.

(18). Pelagius ap. Gratian i. Dist. xxxiv. c. 20, says velata non tamen ei nupta.

(19). Concil. Westminster a.d. 1102, Can. 22: That promises of marriage made without witnesses be null if either deny them.

(20). Const. 30 Edmund, a.d. 1236: They who give girls to boys in their cradles do nothing, except both consent when they come to years of discretion [*i.e.*, fourteen and twelve respectively].

(21). Siricius ap. Gratian Caus. xxvii. Qu. ii. c. 50.

(22). Concil. Westminster a.d. 1200, Can. 11, orders that no marriage shall be contracted without banns thrice published in the Church. Concil. Lat. iv. a.d. 1215, Can. 51, in Decret. Lib. iv. Tit. iii. c. 3, requires the publication of marriages about to be contracted for this object. Const. 7 Reynolds, a.d. 1322: Let the priests while the marriage is contracting interrogate the people, under pain of excommunication, by three public banns concerning the immunity of the bridegroom and the bride on three Lord's days or festivals distant from each other. If the priest neglect these banns, let him not escape the punishment lately enacted in the general council. And let priests often forbid such as are disposed to arry to plight their troth anywhere but in some notable place before

impediment exists to a valid marriage (23), and (2) that those legal consents have been obtained without which the ensuing marriage would be civilly invalid (24).

4. To effect a solemn betrothal, an engagement-gift is required as a pledge (25), and also the consent of parents (26). Children under seven years of age ought not to be betrothed, except for some overwhelming necessity (27); but if they are betrothed, either of them may repudiate the engagement on reaching adult years, *i.e.*, a boy when he is fourteen, a girl when she reaches her twelfth year (28). If

priests and public persons called together for this purpose. Const. 8 Mepham. A.D. 1328, directs priests to be suspended for three years who marry any without publishing their banns, except by the bishop's license. Const. 11 Stratford, A.D. 1343; Const. 7 Zouche, A.D. 1347.

(23). Such as (1) having acted as sponsor at baptism, or having held the baptized at confirmation, (2) being related within the fourth degree, (3) having promised marriage to any other person, (4) having taken a vow of religion. See authorities ap. Gratian Caus. XXVII. Qu. I. and below, § 15.

(24). Concil. Aurel. IV. A.D. 541, Can. 24, requires the master's consent to make the marriage of a slave lawful, but if he marries without consent the marriage is still good. Concil. Paris III. A.D. 557, Can. 6, forbids a man to marry either a maid or a widow unless his relatives consent. Adrian in Decret. Lib. IV. Tit. IX. c. 1. Marriages without relatives' consent are valid according to Concil. Trident. Sess. XXIV. c. 1, and 32 Hen. VIII. c. 38 and 33 Hen. VIII. c. 6.

(25). Pseudo-Isidor. ap. Gratian Caus. III. Qu. IV. c. 4: Any one who is not lawfully coupled, *i.e.*, who is wedded without a dowry title and the priest's blessing. *Id. Ibid.* Caus. XXX. Qu. V. c. 1; Cap. Reg. Fran. *Ibid.* c. 6; Conf. Decret. Lib. IV. Tit. XX. It is called *arrha* by Innocent III. in Decret. Lib. III. Tit. XXXII. c. 14. Gregory I. ap. Gratian Caus. XXVII. Qu. II. c. 12, uses the phrase subarrhaverit. It is also called pignus. See Devoti Lib. II. Tit. II. § 111. Ayliffe 361. Such is the ring of modern times.

(26). Concil. Aurel. IV. A.D. 541, Can. 22; Concil. Paris III. A.D. 557, Can. 6; Nicolaus ap. Gratian Caus. XXX. Qu. II. c. 1; Const. 30 Edmund, A.D. 1236; Ayliffe 362; Can. 100 of 1603 A.D.

(27). Nicolaus ap. Gratian Caus. XXX. Qu. II. c. 1: Those who give boys to girls in the cradle effect nothing, unless both consent when they come to years of discretion, although the father and mother agreed and were willing. Const. 30 Edmund; Lynd. 272.

(28). Const. 30 Edmund, A.D. 1236; Lynd. 272.

they do not repudiate it then they cannot repudiate it afterwards (29). If any objection is made at the time of the publication of banns, the investigation of it must be referred to competent judges (30), since an ordinary presbyter in charge of a parish has no jurisdiction of the outer forum.

5. The effect of a solemn betrothal (31) is to create such a tie between the parties that they are henceforth called engaged persons (32) (sponsi), and is equivalent to a simple vow to marry each other (33). Should a solemn betrothal be followed by an act of consummation, there arises what is called a presumptive marriage (34), the effect of which was formerly

(29). Clemens III. in Decret. Lib. IV. Tit. XVIII. c. 4.

(30). Concil. Lat. IV. A.D. 1215, in Decret. Lib. IV. Tit. III. c. 3 : If there is a probable conjecture against contracting a marriage, let the contracting be expressly forbidden until it has been established by proof what ought to be done. Const. 23 Otho, A.D. 1237 ; Const. 6 Zouche, A.D. 1347.

(31). Prior to the Marriage Act, 26 Geo. II. c. 33, a betrothal, or, as it was called, a contract of marriage (pactio), was a valid contract, which, if it could be proved by witnesses, either party could enforce, against the other, and it was indissoluble *inter partes.* Devoti Lib. II. Tit. II. § 112. Sec. 13 of that act provided "that in no case whatsoever shall any suit or proceeding be had in any ecclesiastical court to compel a celebration of any marriage *in facie ecclesiae*, by reason of any contract of matrimony." Concil. Elib. A.D. 305, Can. 54 ap. Gratian Caus. XXXI. Qu. III. c. 1 : If parents have broken the faith of a betrothal, let them be excommunicated for three years [the sentence for breach of a simple vow], not, however, unless the betrothed parties (sponsus et sponsa) have been consenting parties. Decret. Lib. IV. Tit. IV. c. 1.

(32). Concil. Elib. Can. 54, A.D. 305, l. c., calls engaged persons sponsus et sponsa. Augustin *Ibid.* Caus. XXVII. Qu. II. c. 39 : Betrothed maidens (sponsae) should be at once given in marriage. Pelagius *Ibid.* I. Dist. XXXIV. c. 20, calls one betrothed sponsa.

(33). The importance of betrothal formerly consisted in the fact (1) that it was made upon oath, Decret. Lib. IV. Tit. I. c. 17 ; and (2) with the blessing of the Church, to break which Siricius, quoted note 42, says is a kind of sacrilege. In this country betrothal was no more than a simple promise, unless it had been followed by consummation, whereby the position of the parties was altered. The ancient form of Espousal, quoted note 13, and Lingard, Anglo-Saxon Church II. 11, show that the solemn betrothal here took place at the time of marriage.

(34). Athenag. Apol. A.D. 177, c. 33 : [Christ] permits not a man to send

such that any after-contracted marriage could be dissolved, and the presumptive marriage perfected into true marriage (35). These consequences have now been done away with in this country, at least so far as regards external obligation (36). The question of internal obligation is a matter to be dealt with according to circumstances in the inner forum.

6. When there has been no act of consummation, and a betrothal has neither been made upon oath nor the blessing of the Church been given to it, it may be dissolved either (1) by mutual consent, or (2) by one of the parties, if a destructive (dirimens) impediment supervenes (37), or if the other party is guilty of gross crime (38), or becomes a leper or permanent invalid (39), or takes a vow to enter religion (40), or fails to fulfil some stipulated condition (41). When, however, it has been made upon oath, and received the blessing of the

her away whose virginity he has brought to an end. Innocent III. A.D. 1203, in Decret. Lib. IV. Tit. V. c. 6: After espousals have been contracted and sexual union has followed, there is a presumptive marriage. *Ibid.* Lib. V. Tit. XVI. c. 1; Devoti Lib. II. Tit. II. 107.

(35). So Alexander III. in Decret. Lib. III. Tit. IV. c. 3 and 5. In *Collins* v. *Jesset*, 6 Mod. 155, 2 Salk. 437, Stephens' Eccl. Stat. 328, it was stated by Justice Holt: If the contract be *per verba de futuro*, and after either of the parties so contracting, without a previous release or discharge of the contract, marries another, it will be good cause with them [the canonists] of a dissolution of a second marriage, and of decreeing the first contract being perfected into marriage.

(36). Concil. Trident. Sess. XXIV. c. 1, and in this country, 26 Geo. II. c. 33, and 4 Geo. IV. c. 76.

(37). Innocent III. in Decret. Lib. IV. Tit. I. c. 27, and Urban III. *Ibid.* Tit. XIV. c. 2.

(38). Innocent III. in Decret. Lib. II. Tit. XXIV. c. 25, says, because of the fornication of one of the parties after the betrothal. Craisson, § 4022.

(39). Urban III. in Decret. Lib. IV. Tit. VIII. c. 3. Craisson, § 4025.

(40). Gregory ap. Gratian Caus. XXVII. Qu. II. c. 28; Theodori Poenit. II. XII. 33, A.D. 673, *Ibid.* c. 27, and in Haddan and Stubbs III. 201; Alexander III. in Decret. Lib. III. Tit. XXXII. c. 2; Innocent III. *Ibid.* c. 7; Devoti § 129.

(41). Gregory III. A.D. 740, in Decret. Lib. II. Tit. XXIV. c. 3; Alexander III. *Ibid.* Lib. IV. Tit. V. c. 3; Urban III. *Ibid.* c. 5.

Church ([42]), it can only be canonically dissolved, like any other simple vow, by a dispensation, for which a good cause must be assigned; but it is dissolved *ipso facto* by any other marriage being consummated ([43]). In such a case the party marrying another is amenable to discipline for the breach of faith.

7. The actual marriage or the nuptials include—(1) the union of consent ([44]), or espousal *per verba de praesenti*, which creates what is known as ratified wedlock (*matrimonium ratum*) ([45]); and (2) sexual union or consummation ([46]), which creates what is termed consummated wedlock (*matrimonium consummatum*) ([47]). The union of consent is the plighted

(42). Concil. Elib. A.D. 305, Can. 54 ap. Gratian Caus. XXXI. Qu. III. c. 1; Novell. *Ibid.* Caus. XXX. Qu. V. c. 9: If any one swears to a woman upon the Holy Scriptures that he will have her as his lawful wife, or does so in an oratory, although he does not endow her, let her be his lawful wife. Siricius *Ibid.* Caus. XXVII. Qu. II. c. 50: You ask if one may receive in matrimony a girl betrothed (disponsatam) to another. We anathematise such a union (connubium = a marriage in law not recognised as such by the Church) and altogether forbid it, because that benediction which the priest gives one about to be wedded it is held amongst the faithful to be a kind of sacrilege to violate. Innocent III. in Decret. Lib. II. Tit. XXIV. c. 25.

(43). Innocent III. in Decret. Lib. II. Tit. XXIV. c. 25; Craisson, § 3998 holds that it is not dissolved *de jure*, so that (1) the use of the second marriage is sinful, and (2) if the second wife dies the survivor is bound to marry the first betrothed. But if no sacramental relation has been set up, custom and law may act as valid dispensations.

(44). Chrysostom ap. Gratian Caus. XXVII. Qu. II. c. 4: Not cohabitation (coitus) but consent (voluntas) constitutes matrimony. Isidor. *Ibid.* c. 1; Nicolaus *Ibid.* Caus. XXX. Qu. II. c. 1: Where there is not the consent (consensus) of both parties, there is no relation of husband and wife (conjugium). Concil. London A.D. 1175, Can. 18; Innocent III. in Decret. Lib. IV. Tit. I. c. 25, and Tit. II. c. 2; Const. 30 Edmund, A.D. 1236: There is no marriage when there is not consent of both parties. Lynd. 128; Ayliffe 362; Devoti Lib. II. Tit. II. § 103.

(45). Devoti Lib. II. Tit. II. § 106, says marriage is of three kinds, (1) ratum, (2) consummatum, (3) legitimum.

(46). Lynd 271.

(47). Coitus by Isidor. ap. Gratian Caus. XXVII. Qu. II. c. 1 and 4; admixtio viri by Ambros. *Ibid.* c. 5; commixtio sexus by Augustin *Ibid.*

troth or solemn life-vow (*sacramentum*) (48), which constitutes the marriage-tie (*retinaculum*) (49), by which the nuptials are initiated (50), and it ought to be made in face of the Church. Sexual union (*copula carnalis*) is the marital coupling of man and woman, whereby the condition of the parties is changed, and wedlock becomes a visible representation (*sacramentum*) of the union betwixt Christ and His Church. By it nuptials are consummated, and the marriage-bond (*vinculum*) is established (51). The essential part of marriage is held to consist in the union of consent (52); hence, where there can be no valid consent, there can be no valid marriage (53). Nevertheless, sexual union is such an integral part of marriage, that until it has taken place there is only a sacrament in the sense of a promise, but not in the sense of a visible

c. 16; Hieronym. *Ibid.* c. 37, quae sponsali conventione initiantur et commixtione corporum perficiuntur.

(48). Augustin ap. Gratian Caus. xxvii. Qu. ii. c. 51.

(49). Gregory ap. Gratian Caus. xxxiii. Qu. l. c. 2; Ambros. *Ibid.* Caus. xxvii. Qu. ii. c. 5: When the relation of husband and wife is initiated, the name yoke-fellowship (conjugium) is adopted. That relation is set up when a girl is given in marriage, not when she is known by sexual union.

(50). Ambros. ap. Gratian Caus. xxvii. Qu. ii. c. 5 and 35; Hieronym. *Ibid.* c. 37 speaks of fornication being initiated. Liebermann vi. 917, distinguishes matrimony (1) *dum fit* and (2) *dum permanet.* Dwelling together is a type of the union between Christ and the Church.

(51). Augustin ap. Gratian Caus. xxxii. Qu. vii. c. 1; *Id.* c. 2, calls it confoederatio nuptialis.

(52). Ambros. de Inst. Virg. c. 6: Not the destruction of the flower of virginity but the conjugal pact creates yoke-fellowship. Chrysost. Hom. 32 in Math.: Wedlock is not set up by sexual union but by consent. Innocent iii. in Decret. Lib. iv. Tit. iv. c. 5; Eugenii iv. A.D. 1439, Decret. ad Armenos.

(53). Nicolaus, A.D. 866, ap. Gratian Caus. xxvii. Qu. ii. c. 2: If consent is absent at the time of the nuptials, all other solemnities, including sexual union, go for nothing (frustrantur). By English law consent is invalid unless given before a clerk in holy orders. See Chief-Justice Tindal in Stephens' Eccl. Stat. 2002, or by recent legislation before a civil registrar. Mad persons cannot consent. Devoti Lib. ii. Tit. ii. § 110. See the case of *Scott* v. *Sebright.*

sign of the union of Christ and His Church ([54]). Whenever marriage has been consummated, the presumption is in favour of valid consent ([55]).

8. Some difference of opinion exists as to what constitutes the matter and what the form in the sacrament of wedlock. (1) According to the older Schoolmen the external acts whereby marriage is brought about constitute the matter; the bodies of the contracting persons being the remote matter, the use of one another's bodies the proximate matter; and the form consists in the words or signs by which matrimonial consent is given ([56]). (2) According to others, the remote matter is the power over each other's body; the proximate matter is the mutual delivery of that power, of which the veil, the wreath, and the ring, are the symbols ([57]); and the form is the mutual acceptance of that power as a perpetual tie ([58]). (3) According to yet another view the mutual promise of fidelity constitutes the matter, and the

(54). Leo, A.D. 458, ap. Gratian Caus. XXVII. Qu. II. c. 17: Before sexual union nuptials have not got the sacramental sign of the union of Christ and His Church. Augustin *Ibid.* c. 16: That woman clearly does not pertain to marriage with whom there is shown to be no sexual union. *Ibid.* Caus. XXXIII. Qu. I. c. 2; Decret. Lib. IV. Tit. XV.; Const. 7 Reynolds, A.D. 1322; Lynd. 44 and 128; Devoti, § 126.

(55). Decret. Lib. IV. Tit. I. c. 26 and 30; Tit. II. c. 9, in case of the young; Tit. V. c. 6; Clement III. *Ibid.* Tit. XVIII. c. 4; Innocent III. *Ibid.* Lib. II. Tit. XIX. c. 10.

(56). Thom. Aquin. in IV. Dist. 26, Qu. 2, art. 1, quoted by Lynd. 271; Liebermann VI. 917.

(57). Isidor. ap. Gratian Caus. XXX. Qu. V. c. 7, says that the veil signifies submission, the white and purple in the wreath signify purity and offspring, and the ring is put on the fourth (*i.e.*, our third) finger, because the vein goes from it straight to the heart.

(58). 1 Cor. VII. 4: *ἡ γυνὴ τοῦ ἰδίου σώματος οὐκ ἐξουσιάζει, ἀλλ' ὁ ἀνήρ· ὁμοίως δὲ καὶ ὁ ἀνήρ, κ. τ. λ.* Concil. Dunelm. A.D. 1220, in Wilkins I. 582: Let priests enjoin and teach contracting persons this form of words: I take thee, N., to my wife; I take thee, N., to my husband. For in these words there is great force, and [by them] matrimony is contracted. Benedict XIV. ap. Craisson, § 4154: Materia est mutua corporum traditio . . . et mutua corporum acceptatio forma, where acceptatio does not mean *usus*, because the Blessed Virgin was married to Joseph, although there was no *usus*. Liebermann VI. 917.

words of the priest are the form (59); but according to the last named view all marriages not celebrated by a priest would be non-sacramental (60).

9. A like diversity of opinion prevails as to who is the minister of the sacrament. (1) Among the Schoolmen it appears never to have been doubted that the parties themselves were the real ministers, and supplied each to other both the essential form and the essential matter (61). Nevertheless marriages entered upon without the presence of a priest, or, as they were called, clandestine marriages, were held to be irregular and incomplete (62), and the issue was accounted un-

(59). Liebermann VI. 918, 921.

(60). Bellarmine de Matrim. Lib. l. c. 7 : If this opinion [that the words of the priest are the form] were true, all those are in error who teach that clandestine marriages, and other marriages celebrated without a priest, are true sacraments. . . . Either marriages without a priest contain the indissoluble bond, or they do not . . . If they do not contain it, they may be dissolved in any case, which the Church has never allowed.

(61). John de Burgo, A.D. 1385, in Stephens' Eccl. Stat. 2004 : Of the minister of the sacrament it is to be observed that no other minister is required distinct from the parties contracting; for they themselves minister the sacrament to themselves, either the one to the other or each to themselves. . . . Scotus says that to the conferring of this sacrament there is not required the ministry of a priest, . . . and that the sacerdotal benediction . . . is not of the form or essence of the sacrament, but something sacramental, pertaining to the adornment of the sacrament. Decret. ad Armenos, A.D. 1439 : The efficient cause of matrimony is in regular course mutual consent, expressed in words referring to the present. Devoti Lib. II. Tit. II. § 104.

(62). Tertullian de Pudic. c. 4 : Among us secret connections not first professed in presence of the Church run risk of being accounted akin to adultery and fornication. Const. 7 Reynolds, A.D. 1322, excommunicates those who contract without a priest. In most rituals the priest pronounced the words : Ego vos conjungo, but in some dioceses the formula ran : Ideo matrimonium per vos contractum confirmo. Liebermann VI. 932. In *Collins* v. *Jesset*, 6 Mod. 155 ; 2 Salk. 437 ; Stephens' Eccl. Stat. 328, Lord Holt said : If a contract be *per verba de praesenti*, it amounts to an actual marriage, which the parties themselves cannot dissolve by release or other mutual agreement; for it is as much a marriage in the sight of God as if it had been *in facie ecclesiae*, with this difference, that if they cohabit before marriage *in facie ecclesiae*, they are for that punishable by ecclesi-

lawful ([63]), because public evidence was wanting that the union was according to Christ's law and not for lust ([64]). (2) Others, in order to exclude clandestine marriages, which by the law of many countries are now treated as absolute nullities ([65]), maintain that the words of the priest constitute the form, and that therefore a priest must also be the necessary minister ([66]). (3) Lyndwood ([67]) and Maldonatus ([68]) occupy an intermediate position, holding that although the priest is the ordinary minister of wedlock as he is of baptism, yet the parties themselves may be the extraordinary ministers of it, just as laymen may also be the extraordinary ministers of baptism.

10. The spiritual and sacramental effects of wedlock are threefold: (1) Protection is given against sin by converting into a lawful channel impulses which would otherwise have been unlawful ([69]). This is termed the honesty of wedlock. (2) A union

astical censures, and if after such contract either of them lies with another, they will punish such an offender as an adulterer. In the *Queen* v. *Millis*, Stephens' Eccl. Stat. 1996, Tindal said in the House of Lords: Before the Marriage Act a contract of marriage *per verba de praesenti* was a contract indissoluble between the parties, affording to either of the contracting parties, by application to the spiritual court, the power of compelling the solemnisation of an actual marriage; but such marriage [by the law of England] never constituted a full and complete marriage in itself, unless made in the presence of, and with the intervention of, a minister in holy orders.

(63). 20 Hen. III. c. 9, refuses to allow the children to be afterwards legitimised. Alexander III. in Decret. Lib. IV. Tit. XVII. c. 9, permits it.

(64). Alexander III. in Decret. Lib. IV. Tit. III. c. 2, refuses to allow them, unless both parties avow the marriage.

(65). Concil. Trident. Sess. XXIV. c. 1, declared clandestine marriages void. In this country 26 Geo. II. c. 33, A.D. 1753; 3 Geo. IV. c. 75, A.D. 1822; 4 Geo. IV. c. 76, A.D. 1823. What are called Scotch marriages are still valid in countries where the Tridentine decrees have not been accepted.

(66). Libermann VI. 929, states the principal arguments for this view.

(67). Lynd. 43.

(68). De Matr. I. Arg. 6 tertiae sent. Liebermann VI. 934.

(69). Lynd. 271: In matrimony is a remedy against sin effectively [working] in sensible signs, wherein matrimony is a sacrament. For it is a twofold remedy—partly curative, partly preventive. The first is received

of souls as well as of bodies is set up between the parties (70). This is termed its unity. (3) A permanent tie is created. This gives it its sacramental character. In themselves these effects exclude polygamy, either simultaneously or successively (71).

by other sacraments, the latter by the sacrament of matrimony. The union outwardly apparent by visible signs is the sacramental sign (sacramentum tantum); the union of souls produced inwardly is the sacrament itself (sacramentum et res). The effect of grace which is bestowed is the sacramental reality, I mean the reality primarily signified; but the reality secondarily signified is the union of Christ and the Church. *Id.* 45.

(70). Ambros. ap. Gratian Caus. XXVII. Qu. II. c. 36: In all matrimony a spiritual union is understood, which the corporal union of the married persons confirms and perfects. Urban II. *Ibid.* Caus. XXXI. Qu. II. c. 4: Those who constitute one body ought to have one mind. Const. 9 Peckham, A.D. 1281: We believe wedlock confers graces if it be contracted with a sincere mind by its sacramental virtue. Lynd. 170: The union of soul produced inwardly is the substantial reality of the sacrament. Craisson, § 4154; Perrone Praelect 297; Liebermann VI. 885.

(71). Justin Martyr 1 Apol. c. 15: All who by human law are twice married are, in the eye of our Master, sinners. Athenag. Plea for the Christians, c. 33, A.D. 177: A second marriage is only a specious adultery. For he who deprives himself of his first wife, even though she be dead, is a cloaked adulterer. Minucius Felix, A.D. 200, c. 31: We abide by the bond of a single marriage. Tertullian ad Uxor. 7, quoted in *Order*, note 298; Apost. Can. 48: If a layman having put away his wife, take another or marry a divorced woman, let him be excommunicated. Concil. Turon. A.D. 400, Can. 2; Theodori Poenit. I. II. 7, in H. & S. III. 187: Let him who marries again do penance for a year. Let them not be excluded from communion, nor let him put her away. Apost. Const. III. 2: Once marrying according to the law is righteous, as being according to the will of God; but second marriages after the promise are discreditable, not on account of the marriage itself, but because of the falsehood. Chrysostom ap. Gratian Caus. XXXI. Qu. I. c. 9: To take a second wife is, according to the apostolic precepts [Rom. VIII. 3; 1 Cor. VII. 39; 1 Tim. V. 14], allowed, but in the nature of things it is fornication. But since it is done by God's permission, and allowedly, it is honest fornication. Concil. Hertford A.D. 673, Can. 10: If any man divorce his wife, let him not be coupled to another. Law Northumbrian Priests 54, A.D. 950: If any man dismiss his lawful wife and marry another, let him want God's mercy unless he make satisfaction for it. Can. 27 Dunstan, A.D. 963: He that relinquisheth his wife and taketh another breaketh wedlock. Concil. Ensham A.D. 1009, Can. 8: Let no Christian take a divorced woman to wife, nor take another

Successive marriages are, nevertheless, allowed after the death of one of the parties (72), and in exceptional cases during the other's lifetime, as the less of two evils (73). On this ground a second union has been allowed to the innocent party when a wife has been divorced for adultery (74), or has become physically

wife should he have one. Cnut's Law 7, A.D. 1017: Let no man have more than one wife, and her a wedded wife, and let him remain with her only as long as she lives. Innocent III. in Decret. Lib. IV. Tit. XIX. c. 8: Plurality is to be reprobated in either sex. Concil. Tribur. A.D. 895, ap. Gratian Caus. XXVIII. Qu. II. c. 1.

(72). Past. Hermas Com. IV. c. 4: There is no sin in marrying again, but if they remain unmarried they gain greater honour. Concil. Arelat. A.D. 314, Can. 10: Those whose wives are taken in adultery if themselves youthful, should be advised as far as possible not to marry again during their lifetime. Hieronym. ap. Gratian Caus. XXXI. Qu. I. c. 10: It is better to have known one man than many, yet to know a second and a third is allowed. Gregory Nazianzen Orat. 13: A single marriage is righteous, a second is an indulgence. Concil. Agath. A.D. 506, *Ibid.* Caus. XXXIII. Qu. I. c. 1; Egbert's Excerpt. 116, A.D. 740: A man may marry again after a month, a woman after a year. Urban III. to Bishop of Exeter, in Decret. Lib. IV. Tit. XXI. c. 4, permits a woman to marry again within a year; also Innocent III. *Ibid.* c. 5; Craisson, § 4099 and 4122. Italian law requires a woman to wait ten months.

(73). Origen in Math.: Now even some of the rulers of the Churches permitted a certain woman to marry during her husband's lifetime, contrary to Scripture; . . . yet not altogether without excuse, for it is likely this license was permitted in comparison of worse things. Concil. Arelat. A.D. 314, Can. 24: Whoever shall have done so [*i.e.*, married again during the lifetime of his dismissed wife] shall be cut off from Catholic communion. Basil Epist. Can. 77: Such as remarry [after divorcing an adulterous wife] should do penance . . . and in the seventh year be reckoned with the faithful. African Can. 102: Neither a divorced husband or wife may be yoked to another; if they despise this they must be put to penance. Hilary, A.D. 384, in 1 Cor. VII. 11: A man may marry again if he dismiss his sinning wife. Concil. Venet. A.D. 465, Can. 2: Those who have left their wives . . . without proof of adultery and have married others, must be repelled from communion. Concil. Agath. A.D. 506, Can. 25, says "without credibly declaring any cause for divorce." Concil. Compend. A.D. 757, Can. 13: If a man have divorced his wife and have given her leave to enter a monastery for the sake of religion, or to take the veil outside a monastery for the sake of God, the man may take a lawful wife. Liebermann. VI. 981, 992.

(74). Theodori Poenit. II. XII. 5, in Haddan and Stubbs III. 169: If any

incapacitated ([75]), or a leper ([76]), or has left her husband for five years and refuses to return ([77]), or has been carried off into captivity and cannot be redeemed ([78]), or is lost sight of altogether ([79]), or has conspired against her husband's life ([80]);

man's wife commit adultery, let him put her away and take another, *i.e.*, if he has put her away because of her adultery and she is his first wife, then he may take another. Remarriage under such circumstances is the rule among the Greeks. Craisson, § 4122; Syn. Rom. A.D. 826, Can. 36: No man may leave his acknowledged wife except for the cause of fornication, and then marry another. Syn. Patric. in H. & S. II. 337, Can. 27: If a man [who has divorced his wife for fornication] marries a second wife as though the first were dead, let them not forbid it [because the law requires an adulteress to be stoned].

(75). Gregory III. A.D. 740, ap. Gratian Caus. XXXII. Qu. VII. c. 18: If a woman overtaken with infirmity cannot discharge her duty to her husband . . . and he cannot contain, let him marry. Concil. Aurel. II. A.D. 533, Can. 11, however, says: Contracta matrimonia accedente infirmitate nulla voluntatis contrarietate tolerantur [? tolluntur]. Egbert's Excerpt. 199, A.D. 740, says that he cannot put his first wife away except for adultery.

(76). Concil. Compend. A.D. 757. Can. 16: If a leper have a healthy wife and he is willing to let her take another husband, she may take another if she wishes; similarly in the case of a woman.

(77). Theodori Poenit. II. XII. 19, in Haddan and Stubbs III. 200; Egbert's Excerpt. 122, A.D. 740, says, after five or seven years, and requires him to do penance for five years for the breach of vow, but Concil. Compend. A.D. 757, Can. 18, says not if the man has left the country because of a family feud. Alexander III. in Decret. Lib. I. Tit. XVII. c. 8, declares the issue lawful of a woman who had married again with the bishop's leave after being deserted by her husband.

(78). Theodori Poenit. II. XII. 20–21, *Ibid.* 200, says he may do so after five years if she cannot be redeemed, but if she afterwards returns he must receive her back, and put away his second wife. Egbert's Excerpt. 123, A.D. 740, says after seven years.

(79). Theodori Poenit. II. XII. 23, 24, *Ibid.* 201, says that if he cannot trace her he may do so, because it is better to do so than to commit fornication; but if in that case she returns and he has another wife, he may not receive her back. Clement III. in Decret. Lib. IV. Tit. I. c. 19, forbids, however, a second marriage, even after seven years, until certain intelligence arrives of the other's decease. Also Lucius III. *Ibid.* Tit. XXI. c. 2; but Innocent III. *Ibid.* XVII. c. 14, declares the issue of such a marriage lawful.

(80). Concil. Vermer. A.D. 752, ap. Gratian Caus. XXXI. Qu. I. c. 6.

to the wife when the husband's misconduct renders living with him impossible (81); but in all such cases a dispensation is necessary from the proper authority by those who desire to be received to Christian communion (82). Second marriages of all kinds are, however, forbidden to be blessed by the Church (83), and are a disqualification for orders (84). Third and fourth marriages are in the East treated as manifest incontinence (85). Married persons may not take vows of continence except with the willing consent of both (86), nor without such consent can marriage be dissolved by the solemn vow of one.

(81). Justin Martyr 2 Apol. c. 2, mentions the case of a Christian woman who separated from her husband because of his vices. Gratian Caus. xxxii. Qu. vii. c. 23: If you have lain with your wife's sister you can have neither one nor the other; and if she who was your wife was not party to your wickedness, if she cannot contain, let her marry in the Lord whom she will.

(82). Theodori Poenit. ii. xii. 19 l. c. says, with the bishop's consent.

(83). Concil. Elib. A.D. 305, ap. Gratian Caus xxxi. Qu. I. c. 8: A presbyter may not be present at the feast of a second marriage, since penance is enjoined for a second marriage. What presbyter for the sake of a feast would consent to such a penance? Concil. Neocaesar. A.D. 314, *Ibid.* c. 8: A presbyter must not be present at the wedding feast of a second marriage, especially since he is required to do penance for a second marriage. Concil. Laodic. A.D. 363, Can. 1; Concil. Brac. ii. A.D. 572, Can. 38; Can. 9 Elfric, A.D. 957: Nor may any priest be at a wedding-feast where either man or woman is married a second time, nor bless their coming together. Egbert's Excerpt. 89; Alexander iii. in Decret. Lib. iv. Tit. xxi. c. 1.

(84). Apost. Const. vi. 17; Augustin ap. Gratian Caus. xxviii. Qu. iii. c. 2.

(85). Basil ad Amphiloch. c. 4, and Apost. Const. iii. 2: Third marriages are indications of incontinency, but such marriages as are beyond the third are manifest fornication. Theodori Poenit. i. xiv. 3: One who marries for the third time or oftener, *i.e.*, a fourth or fifth wife or beyond: let him do penance for seven years. . . . Let them, however, not be excluded from communion. So Basil ruled, but the canon requires him to do penance for four years.

(86). Gregory ap. Gratian Caus. xxvii. Qu. ii. c. 19: If the wife does not follow the continence which the man desires, or the man refuses that which the wife desires, marriage may not be dissolved. *Id. Ibid.* c. 20, 21, 25. Syn. Rom. A.D. 826, *Ibid.* c. 33: If the wife be unwilling or the husband, even for such a thing [as entering religion], marriage is not dis-

11. Besides the two regular degrees of Christian wedlock, called respectively ratified and consummated wedlock, there is a third and lower degree known as lawful wedlock (matrimonium legitimum) (87), or a state of recognised marriage (*connubium*) which is not sacramental (88). Such is a heathen marriage which has no perpetual tie about it, and may be terminated by either of the parties should he become a Christian (89); a morganatic marriage (90) or permanent connection with an inferior in station (91); a second marriage

solved. Syn. VIII. A.D. 869, *Ibid.* c. 12; Nicolaus, A.D. 867, *Ibid.* c. 26; Egbert's Excerpt. 118, A.D. 740. Other authorities, ap. Gratian Caus. XXXIII. Qu. V., and Caus. XXVII. Qu. II. c. 19–26; Decret. Lib. V. Tit. XIV. c. 6; Const. 27 Edmund, A.D. 1236; Lynd. 203.

(87). Decret. Lib. IV. Tit. I. c. 9 and 10; Alexander III. *Ibid.* Tit. IV. c. 3; Innocent III. *Ibid.* Tit. XIX. c. 7: Although among the heathen true marriage exists, ratified marriage does not. Devoti Lib. II. Tit. II. § 106; Liebermann VI. 972.

(88). Augustin ap. Gratian Caus. XXVII. Qu. II. c. 6, quoted above, note 11. Siricius *Ibid.* c. 50; Gregory *Ibid.* c. 19: Human law permits what divine law forbids. The rubric to the Pontifical in Maskell Mon. Rit. I. 72: The unity of Christ and the Church is typified in a first marriage, not however in a second marriage. Many second marriages it nevertheless declares to be sacramental, but defectively sacramental.

(89). Innocent III. A.D. 1199, in Decret. Lib. IV. Tit. XIX. c. 7; Devoti l. c. See below, § 30.

(90). Morgengap is, by the law of the Lombards, the post-nuptial gift made in the morning to a second wife in lieu of dower, when a woman of unequal rank is taken to wife without right of dower for herself and heirship for her children. Heinecii Elem. Jur. Germ. Lib. I. Tit. XIII.; Devoti, § 108.

(91). Concil. Tolet. I. A.D. 400, Can. 17 ap. Gratian I. Dist. XXXIV. c. 4: Let him who has not a wife, but a concubine instead of a wife, not be repelled from communion, provided he be content with union with one woman, be it wife or concubine. Apost. Const. VIII. 32: Let a concubine who confines herself to her master alone be received. Isidor. *Ibid.* c. 5: A Christian, so far from having many, may not have two women at once, but one only—either a wife, or if he have no wife, a concubine in place of a wife. Egbert's Excerpt. 125, A.D. 740. When, however, there has been no marital consent nor connubium, and the relation is simply that of a temporary mistress, Leo, A.D. 458, *Ibid.* c. 11, says: To put away a slave-girl from his bed and to take a wife of known free birth is not a duplica-

allowed to a deserted wife or in any other case during her first husband's lifetime (92), or to a husband who has divorced his wife and married again (93). Some theologians nevertheless maintain that, since among Christians there can be no marriage which is not sacramental (94), the distinction between lawful wedlock and ratified and consummated wedlock is purely academic, except in the case of heathen marriages, and that such legally permitted unions are not marriages at all but legalised fornication (95). Others deny that all marriages amongst Christians must necessarily be sacramental. However this may be, one thing nevertheless seems clear, that such unions were not in former times treated as obstacles to communion, provided they were contracted for life and with one person only (96).

tion of the relation of husband and wife, but a step in advance towards a good life.

(92). Alexander III. in Decret. Lib. IV. Tit. XVII. c. 8, declares the issue of a deserted woman who had remarried with the bishop's sanction lawful.

(93). Epiphan. Haer. 59: A man having been separated from one, if by chance he have been lawfully married to a second wife, the Holy Word and the Holy Church of God have pity on him.

(94). Liebermann VI. 919.

(95). Chrysostom, quoted note 71, makes the same remark of all second marriages. Pius IX. 19th Sept. 1852, in Craisson, § 4154, but not speaking *ex cathedrâ*: C'est un point de la doctrine catholique que le sacrement n'est pas une qualité accidentalle surajoutée au contrat mais qu'il est de l'essence même du mariage, de telle sorte que l'union conjugale entre les Chrétiens n'est légitime que dans le mariage sacrament, hors duquel il n'y a qu'un pur concubinage.

(96). Epiphan. Haer. 59, § 4: The divine word does not incriminate him who, after a divorce for fornication, adultery, or some other evil, is united to a second wife . . . but bears with his weakness, not allowing him to have two wives whilst one is alive, but if separated from one, to be legally united to another should it so happen. Augustin de Fide et Opere, c. 19, considers the remarriage of one who has divorced his wife for adultery a venial offence. Asterii Amaseni Hom. v. A.D. 400: Hear ye who marry many wives . . . and leave many widows. Believe me, marriage is not dissolved (διακόπτεται) save only by death and adultery. See above, notes 11 and 91. In other cases, besides adultery in the Eastern Church, the Church has indirectly sanctioned remarriage, as by declaring marriages void by reason of destructive impediments which

12. Spiritual matrimony is a position of united life between a prelate and his Church, whereby he is devoted to its service and it is pledged to receive his ministrations for their mutual edification, so that neither can depart from the other (97). To set up spiritual wedlock three things are, however, required: (1) the consent of the people electing and the person elected, which is called the initiation of it; (2) the allowance of the union by the whole Christian community, which is termed its confirmation; and (3) the perfecting and consecrating the union by ordination or consecration. Hence spiritual matrimony is not set up unless ordination (98) or consecration follows upon election for the service of the particular Church with which it is concluded (99).

IRREGULAR AND INVALID WEDLOCK—IMPEDIMENTS.

13. All marriages, whether ratified, consummated, or lawful, may be divided into three classes (100), viz. (1) those which are good in form and substance, and against which no objection can be alleged, called true marriages (101); (2) those which are defective in form but are presumed to be good in substance,

were previously only obstructive impediments (clandestine marriages), and by creating fresh destructive impediments (those between the fourth and sixth degrees before the Fourth Lateran Council).

(97). Cyprian Ep. 51 (Oxf. 55), 24, speaks of one who, when a Church is already full, strives to be made an adulterous and extraneous bishop. Const. 13 Langton, A.D. 1222: To prevent spiritual bigamy we forbid a Church to be committed to two rectors. Ayliffe 360.

(98). Codex Eccles. Afric. 90: If any one has for once only acted as reader in a Church, let him not be advanced to the clerical office in any other. Edgar's Law 8, A.D. 960: That no priest do of his own accord desert the Church to which he has been blessed and married. Law 35 Northumbrian Priests, A.D. 950: If a priest dismiss one wife and take another, let him be anathema. Elfric. Can. 28, A.D. 957: Let no priest remove for gain from one minster to another, but ever continue in that to which he was ordained.

(99). Const. 21 Othobon, A.D. 1268, requires bishops to minister in those Churches to which they have plighted their troth.

(100). Devoti Inst. Lib. II. Tit. II. c. 107.

(101). Innocent III. in Decret. Lib. IV. Tit. XIX. c. 7.

called irregular or presumptive marriages (102); and (3) those which are good in form and appearance, but are invalid in themselves by reason of some latent impediment, which are called ostensible or reputed marriages.

14. Anything which renders a presumptive or ostensible marriage irregular or invalid is called an impediment. Impediments are of two kinds (103): (1) those which prevent a marriage being lawfully initiated, but do not avoid it after it has been consummated, which are termed obstructive (*impedientia*) impediments; and (2) those which invalidate a marriage after it has been consummated, and render it either *ipso facto* null and void, or retrospectively voidable by sentence of a proper authority (104). The latter are called destructive (*dirimentia*) impediments (105).

15. Obstructive impediment (106) may arise either (1) from the party's own act (107), or else (2) from the law of Church or state. A simple vow of chastity or religion is an impediment arising from the party's own act. So, too, is pre-contract, or contracting with another *per verba de futuro* (108). The law

(102). A contract of marriage *per verba de praesenti*, followed by consummation, is a presumptive marriage. Innocent III. in Decret. Lib. IV. Tit. IV. c. 5; 32 Hen. VIII. c. 38, and was a valid ecclesiastical marriage in this country, as it still is in Scotland, before the act 26 Geo. II. c. 33. See note 62.

(103). Augustin ap. Gratian Caus. XXXV. Qu. I. c. 3; Isidor *Ibid.* Qu. IV. c. 1. They are called by Lynd. 275, impedimenta impedientia and impedimenta dirimentia respectively. Devoti, § 115, 122. See note 23.

(104). Before the statute 5 and 6 Gul. IV. c. 54, A.D. 1835, marriage with a deceased wife's sister could at any time be avoided by sentence, but as such a sentence could only be pronounced in the lifetime of the parties, the status of the children remained unsettled during the parent's lifetime. To avoid this uncertainty the act declared such marriages to be *ipso facto* void, thus bringing English law into harmony with that of Concil. Lat. IV. A.D. 1215, in Decret. Lib. IV. Tit. III. c. 3.

(105). Devoti, § 148.

(106). Craisson, § 4188, gives the lines—

Ecclesiae vetitum, Tempus, Sponsalia, Votum,
Impediunt fieri, permittunt facta teneri.

(107). Lynd. 276.

(108). Lucius III. in Decret. Lib. IV. Tit. I. c. 17, and Alexander III.

of the Church forbids marriage with one betrothed to another ([109]), or with the widow of one in holy orders ([110]), or the solemn contraction of marriage on a high festival or ember day, or between Septuagesima and the 15th night after Easter, or between the first of the Rogation days and seven nights after Pentecost ([111]). It also forbids marriage with a Jew or infidel ([112]), and clandestine marriages ([113]), by which are understood (1) marriages which are initiated without the presence of a priest ([114]), or (2) without publication of

Ibid. c. 10, but it cannot be set up in the outer forum unless it can be proved by witnesses, according to Concil. Westminster A.D. 1102, Can. 22. Now 32 Hen. VIII. c. 38, A.D. 1540, and sec. 13 of 26 Geo. II. c. 33, make precontract no longer a bar in law, whatever it may be in conscience.

(109). See notes 14 and 42.

(110). Concil. Epaon. A.D. 517, Can. 32: Let the widow of a priest or deacon, if she remarry any one whomsoever, be expelled from the Church. Concil. Aurel. A.D. 511, Can. 13. See *Duties of Order*, § 53.

(111). Concil. Ensham. A.D. 1009, Can. 18, says from Septuagesima till ths 15th night after Easter. Concil. Laodic. A.D. 363, Can. 52 ap. Gratian Caus. XXXIII. Qu. IV. c. 8: Neither marriages nor festivals (birthdays) should be observed in Lent. Martin *Ibid.* c. 9; Nicolas, A.D. 866, *Ibid.* c. 11; Concil. Seligenstadt A.D. 1022, Can. 10: It is not lawful to celebrate marriages from Septuagesima to the octave of Easter, and in the three weeks before the festivity of John the Baptist, and from Advent to the Epiphany. Decret. Lib. II. Tit. IX. c. 4; Lynd. 185, 274. The Roman rule made the octave of Easter the end of the forbidden time. Concil. Trident. Sess. XXIV. c. 10.

(112). 1 Cor. VII. 39 allows marriage "only in the Lord." Tertullian ad Uxor. II. 2; Cyprian adv. Judaeos III. 62: Marriage may not be contracted with Gentiles. Concil. Chalcedon A.D. 451, Can. 14: They may not join their children in marriage to a heretic, a Jew, or heathen, unless the person who marries the orthodox person shall promise to come over to the orthodox faith. Concil. Agath. A.D. 506, Can. 67 ap. Gratian Caus. XXVIII. Qu. l. c. 16; Concil. Arvern. A.D. 535, Can. 4, *Ibid.* c. 17. See *Baptism*, § 28.

(113). Concil. Lat. IV. A.D. 1215, in Decret. Lib. IV. Tit. III. c. 3: We strictly forbid clandestine marriages. Const. 7 Reynolds, A.D. 1322; Lynd. 271, 276.

(114). Ignatius ad Polycarp. c. 5: It is becoming to men and women who marry that they marry with the counsel of the bishop, that the marriage may be in the Lord and not in lust. Tertullian, quoted above,

banns ([115]), or elsewhere than in Church ([116]), or in a Church other than the proper Church ([117]), and (3) marriages which are consummated after the benediction without a proper interval ([118]).

16. Disregard of an obstructive impediment renders the contracting parties and the offending priest liable to censure ([119]);

note 6. Concil. Hertford A.D. 673, Can. 10: As to matrimony, that none be allowed to any but what is lawful. Theodori Poenit. I. XIV. 1, in Haddan & Stubbs III. 187 : At a first marriage let a priest say mass and bless both of them, and afterward let them absent themselves from church for thirty days. After these are over let them do penance for forty days, and devote themselves to prayer, and afterwards communicate with an oblation. Ancient Form of Espousal, A.D. 946 : The mass priest shall be at the wedding, who shall celebrate their coming together with God's blessing. Concil. Winton A.D. 1076, Can. 5 : That no man give his daughter or kinswoman in marriage without the priest's benediction; other marriage shall be deemed fornication. Concil. London A.D. 1175, Can. 17 : Let no faithful man of whatsoever degree marry in private but in public, by receiving the priest's benediction. In *The Queen* v. *Millis*, Stephens' Eccl. Stat. 1997, Chief-Justice Tindal : It will not be found in any period of our history either that the Church of England has held the religious celebration sufficient to constitute a valid marriage, unless it was performed in the presence of an ordained minister, or that the common law has held a marriage complete without such celebration. By the Act 6 and 7 Gul. IV. c. 85, marriages may now be celebrated without any religious ceremony. Yet recently, in Bethel's case, A.D. 1889, a Christian basis was required.

(115). Concil. Lat. IV. Can. 51, in Decret. Lib. IV. Tit. III. c. 3 ; Const. 7 Reynolds, A.D. 1322 ; Const. 4 Thorsby, A.D. 1363.

(116). Const. 7 Reynolds, A.D. 1322 : Let matrimony be celebrated with reverence in the daytime, and in the face of the Church, without laughter, sport, or scoff.

(117). Const. 11 Stratford, A.D. 1343.

(118). Stat. Eccl. Ant. A.D. 505, Can. 13. ap. Gratian I. Dist. XXIII. c. 33, and Caus. XXX. Qu. V. c. 5 : When the bride and bridegroom are to be blessed by the priest, let them be offered by their parents or groomsmen (paranymphi) ; and when they have received the blessing, let them remain the same night in virginity, out of respect for the blessing. Concil. Turon. *Ibid.* c. 1 ; Egbert's Excerpt. 88, A.D. 740. Lynd. 276, says that a marriage is clandestine unless such abstinence is practised for two or three days.

(119). Concil. Lat. IV. in Decret. Lib. IV. Tit. III. c. 3, § 2 : Let a condign punishment be awarded to those who offend [by clandestine solemnisation], even in the permitted degrees. Devoti l. c. § 149.

but no obstructive impediment, except marriage with a Jew or infidel in mediaeval times, and clandestine marriage by recent legislation, invalidates a marriage contracted *per verba de praesenti* when once it has been consummated (120). Moreover, obstructive impediments may be dispensed with either for good cause or by custom (121); and, to take away all excuse for clandestine marriages, those who place obstacles in the way of lawfully contracting matrimony are ordered to be excommunicated (122).

17. Destructive impediments are of three kinds: (1) absence of consent, caused either by violence, mistake, fraud, or some condition subversive of true marriage; (2) incapacity to contract; and (3) relationship within the forbidden degrees (123); to which must be added in this country, (4) knowingly and wilfully intermarrying in a place other than a Church or licensed chapel, without banns or without the presence of a clerk in holy orders or registrar (124), and (5) contracting in a

(120). Innocent III. in Decret. Lib. IV. Tit. IV. c. 5.

(121). Const. 3 Langham, A.D. 1367, makes provision if espousals are to be made on a festival that hath 9 lessons, or in Lent, or in the Ember days. Special licenses are granted by the archbishop to enable marriages to be initiated in private houses, and modern statutes allow marriage before a registrar.

(122). Const. 1 Langton, A.D. 1222; Const. 13 Othobon, A.D. 1268: We strictly forbid any man to hinder the solemnisation of marriage lawfully contracted in the face of the Church. Const. 3 Peckham, A.D. 1279.

(123). The following lines contain a list of canonical impediments, but those underlined are not allowed to be legal impediments in this country. See Stapf's Vollständiger Pastoral-Unterricht über die Ehe, by Riffel, 1847.

> Error, <u>Conditio</u>, <u>Votum</u>, Cognatio, Crimen,
> <u>Cultûs disparitas</u>, Vis, <u>Ordo</u>, Ligamen, <u>Honestas</u>,
> Aetas, Affinis, Si clandestinus et Impos
> Raptave sit mulier nec parti reddita tutae
> Haec socianda vetant connubia, facta retractant.

(124). 26 Geo. II. c. 33, sec. 8; 4 Geo. IV. c. 76; 6 and 7 Gul. IV. c. 85: As to the power of the secular authority to make marriages void, Carrière Compend. de Matrim. No. 290, states that four views are held: (1) That princes in the nature of things neither can, nor ever could, invalidate

heathen country with an infidel upon a non-Christian basis (125). Destructive impediments invalidate a presumptive or reputed marriage absolutely in some cases of relationship within the degrees forbidden by the law of state and Church (126), and in some cases of clandestine marriage; but in other cases of relationship within the forbidden degrees, contingently upon steps being taken to avoid them in the lifetime of one of the parties (127). Dispensations are allowed for marriages to take place out of Church or without banns, but not in this country to permit marriages within the degrees forbidden by the laws of the realm (128).

marriage; (2) that princes in the nature of things can invalidate marriage, but that they have lost this power in regard to their Christian subjects, since Christ elevated wedlock to the dignity of a sacrament; (3) that princes in the nature of things have this power, and have not lost it by the institution of the sacrament of marriage, but that so far as their Christian subjects are concerned it has been withdrawn from them by the Church; (4) that princes have, and still enjoy, and can exercise this power. See the discussion in Craisson, § 4182 *seq.*, and Thom. Aquin. Suppl. Qu. 57, Art. 2, ad 4.

(125). Although 6 and 7 Gul. IV. c. 85 allows marriage to be celebrated in this country without any religious ceremony, yet it was decided in *Bethel's* case, 1889, that marriage with a Zulu girl which conformed to the *lex loci* abroad was no valid marriage, because it had not a Christian basis.

(126). 5 and 6 Gul. IV. c. 54, declares marriages within the degrees forbidden by law absolutely void.

(127). The jurisdiction of spiritual courts, being *in salutem animae*, is limited to the lifetime of the parties. Hence 15 Ed. III. c. 5, A.D. 1341: The king and his heirs shall have the conusance of usures dead; and that the ordinaries of holy Church have the conusance of usures on life. *Hinks* v. *Harris*, Carth. 271. See § 32.

(128). 32 Hen. VIII. c. 38, allows all marrriages without the Levitical degrees, and forbids all dispensations within them. These degrees are specified in 25 Hen. VIII. c. 22 and 28 Hen. VIII. c. 16. Dispensations were formerly allowed as being the less of two evils, either for the good of the Church or for fear of apostasy, poverty, &c. Dispensations from the forbidden degrees were substantially allowed in Gregory's time by the direction not to separate those already married, ap. Gratian Caus. XXXV. Qu. VIII. c. 1; Theodori Poenit. II. XII. 25, in Haddan and Stubbs III. 201. They were regularly granted by the Pope in Anselm's time (Epist.

18. A marriage is void which is initiated without consent, *i.e.*, contrary to the declared wishes of parents in the case of minors, or by such violence as precludes consent in the case of adults (129). To preclude consent the parents must have actually objected at the time of publication of banns, or the violence must have been (1) real and substantial (130), (2) wrongful (131), and (3) not have been subsequently condoned (132). According to Roman law, which was adopted in France and in some other countries, marriage with the victim of rape was on public grounds altogether forbidden (133); but subsequent condonation is now held to be evidence that the violence was consented to (134), and it is doubtful whether marriage with any other person would be allowed in conscience to one who was guilty of the violence, if at least the injured person claimed marriage by way of reparation (135).

Paschal II. ad Anselm. Labbé XII. 1008), and are of two kinds: (1) those publicly granted through the Datary or the Secretary of Briefs, and (2) those privately granted through the penitentiary. Dispensations in cases of consanguinity, affinity, spiritual affinity, and adultery, unless accompanied by compassing the death of a previous husband or wife, are granted by the Datary, in all graver cases by the Secretary of Briefs. Devoti, § 122; Coelestin. III. in Decret. Lib. IV. Tit. XIV. c. 3; Innocent III. A.D. 1213, *Ibid.* c. 6, declares a dispensation void unless it recite the true cause. Craisson, § 4421.

(129). Gratian Caus. XXXI. Qu. II. c. 1 and 2; Decret. Lib. IV. Tit. l. c. 25, and Tit. VII. c. 2; Ayliffe 361; Devoti Inst. Lib. II. Tit. II. § 110 and 124. See Stier's case, October 1895.

(130). Alexander III. in Decret. Lib. IV. Tit. l. c. 6, 15; Honorius III. *Ibid.* c. 28.

(131). It is not wrongful force when the law compels a man to marry a girl whom he has carnally seduced under a promise of marriage. Exod. XXII. 16; Alexander III. in Decret. Lib. IV. Tit. l. c. 10, and Lib. V. Tit. XVI. c. 1.

(132). Clemens III. in Decret. Lib. IV. Tit. l. c. 21.

(133). Cap. Franc. ap. Gratian Caus. XXXVI. Qu. II. c. 11: Those who carry off or ravish women, or seduce them carnally, may never have them as wives, however much they may afterwards endow them, or marry them with consent of parents. Concil. Trident. Sess. XXIV. c. 6.

(134). Clement III. in Decret. Lib. IV. Tit. XVIII. c. 4; Lucius III. *Ibid.* Lib. V. Tit. XVII. c. 6; Innocent III. *Ibid.* c. 7; Devoti, § 145.

(135). Craisson, § 4218.

19. Mistake and fraud (136) also render marriage voidable, provided they are of such a nature as to prevent proper consent; as if (1) one person is married by mistake for another (137), or (2) a slave is married by concealing his or her condition (138), marriage with a slave being otherwise good (139), or (3) an unchaste woman by fraudulently representing herself to be virtuous (140); but it is not voidable if consummation has taken place after the discovery of the mistake or fraud, because consummation under such circumstances implies consent. A marriage is also voidable which is undertaken with a condition to defeat the true object of marriage (141), because it fails for want of proper consent.

(136). Ayliffe 363, enumerates four kinds of mistakes: (1) when the wrong person is married by mistake; (2) when a mistake is made as to the condition of the person married, as if she turns out to be a slave; (3) when a mistake has been made as to her property by false representations; or (4) as to her quality, as when a man has married a strumpet, mistaking her for an honest woman. Only the first of these mistakes is now allowed as a destructive impediment. The last may be a good ground of divorce, according to Christ's words. Therefore Hieronym. ap. Gratian Caus. XXXIII. Qu. I. c. 14, calls it meritorious to marry a strumpet, to make an honest woman of her, which of course assumes that he is not doing so by mistake. The second reason is a good ground of divorce before the marriage is consummated. Concil. Vermer. A.D. 752, ap. Gratian Caus. XXIX. Qu. II. c. 4; Decret. Lib. IV. Tit. IX. c. 2; Theodori Poenit. II. XII. 20 and 23, in Haddan and Stubbs III. 200. The third is a good reason for withdrawing from a betrothal, but not for rescinding a consummated marriage.

(137). Innocent III. in Decret. Lib. IV. Tit. I. c. 26; Devoti, § 142; Craisson, § 4205.

(138). Concil. Cabilon. II. A.D. 813, Can. 30 ap. Gratian Caus. XXIX. Qu. II. c. 8; Alexander III. in Decret. Lib. IV. Tit. IX. c. 2; Innocent III. *Ibid.* c. 4; Craisson, § 4209 and 4310.

(139). Concil. Vermer. A.D. 752, ap. Gratian Caus. XXIX. Qu. I. c. 4; Theodori Poenit. II. XIII. 5, *Ibid.* c. 2, and H. & S. III. 202; Adrian to Archbishop of Canterbury, in Decret. Lib. IV. Tit. IX. c. 1.

(140). In reference to such a marriage, our Lord is by some thought to have used the words παρεκτὸς λόγου πορνείας in Math. v. 32, and εἰ μὴ ἐπὶ πορνείᾳ in Math. XIX. 9; πόρνεια being the sin of an unmarried person, μοιχεία the sin of adultery. In this country the rule of *Caveat emptor* is applied to such cases.

(141). Gregory IX. in Decret. Lib. IV. Tit. V. c. 7: If conditions are made

20. Incapacity to contract may arise from two causes: (1) physical, and (2) moral. Boys under fourteen and girls under twelve are presumed to be physically incapable of contracting a valid marriage ([142]) unless their capacity is actually demonstrated ([143]). Physical incapacity may also exist in older persons ([144]). If antecedent to marriage and irremovable, it renders the marriage a nullity ([145]), but not if it supervenes after marriage ([146]). It may not, however, be set up until after three years of living together ([147]), and it must be proved most strictly ([148]).

21. Moral incapacity is said to be of three kinds: (1) that which arises from madness or weakness of intellect ([149]), (2) that which is caused by holy orders or a solemn vow, and (3) that which is caused by a previous marriage ([150]). By the general law of the Church (to which the present English Statute Law is an exception), holy orders invalidate any after-

contrary to the substance of marriage, such as "I will marry you if you will undertake to have no children," or "until I find a richer and more honourable wife," or "on condition that you will earn a livelihood by adultery," there is no effective marriage contract. Conf. Augustin ap. Gratian Caus. xxviii. Qu. 1. c. 5.

(142). Alexander iii. to Bishop of Norwich, in Decret. Lib. iv. Tit. ii. c. 6.; Urban iii. *Ibid.* c. 10 and 11; Const. 30 Edmund, A.D. 1236; Devoti, § 125; Ayliffe 361.

(143). Alexander iii. in Decret. Lib. iv. Tit. ii. c. 9.

(144). Decret. Lib. iv. Tit. xv. c. 1; Devoti, § 126; Craisson, § 4219; Impotentia adest quando conjuges nequeunt habere copulam per se aptam ad generationem; unde impotentes non sunt steriles aut feminae quae semen non retinent, modo possint habere copulam ex se ad generationem idoneam, § 4220; Oriri potest (1) ex maleficio; (2) ex frigiditate, (3) ex improportione vel, (4) ex commixtione sexus (hermaphrodite), § 4229.

(145). Alexander iii. in Decret. Lib. iv. Tit. xv. c. 3.

(146). Concil. Aurel. ii. A.D. 533, Can. 11: Let not a contracted marriage be dissolved by any supervening infirmity. Gratian Caus. xxxii. Qu. vii. c. 24: Alexander iii. to Archbishop of Canterbury, in Decret. Lib. iv. Tit. viii. c. 1.

(147). Honorius iii. in Decret. Lib. iv. Tit. xv. c. 7.

(148). Gratian Caus. xxxiii. Qu. 1. c. 2.

(149). 51 Geo. iii. c. 37.

(150). Devoti, § 128.

contracted marriage, but not one already existing. A solemn vow puts an end both to an existing and also to an after-contracted marriage; but to do so (1) it must be a solemn and not a simple vow; (2) it must be made on entering some approved form of religion (151); and (3) it must be made with consent of both parties (152). A previous marriage invalidates a second marriage, except in certain cases in which the second union is tolerated, being regarded as only imperfectly sacramental (153).

22. A marriage is also void by the parties being related within the forbidden degrees, whether they are so related by blood, by marriage, or by spiritual affinity (154), and the parties who have knowingly contracted such a marriage are excommunicate *ipso jure* (155). The term degree, however, is used in two senses: (1) ordinarily, it expresses the intervals of direct relationship between any two persons in ascending or descending line; (2) exceptionally, it expresses the intervals of collateral relationship in which one degree includes several direct degrees. Thus a man is said to be separated by one direct degree from his mother or daughter, by two from his grandmother, grandchild, or sister, by three from his aunt or niece, by four from his cousin, and by six from his second-cousin. But a man is

(151). Can. Apost. 27: Of those who come into the clergy unmarried we permit only readers and singers to marry afterwards. Concil. Chalcedon A.D. 451, Can. 14; Apost. Const. VI. 17: It is not lawful for a bishop, a presbyter, or a deacon, if they are unmarried when they are ordained, to be married afterwards. Synod Trull. A.D. 692, Can. 13, forbids clergy to marry after being ordained, but allows subdeacons, deacons, and presbyters to retain the wives whom they had previously married. Alexander III. in Decret. Lib. IV. Tit. VI. c. 1 and 2; Extrav. Joan. XXII. Tit. VI.; Devoti, § 128. See *Duties of Order*, § 14.

(152). Alexander III. in Decret. Lib. IV. Tit. VI. c. 4, and Lib. III. Tit. XXXII. c. 2: *Id.* to Bishop of Worcester, *Ibid.* c. 3; Innocent III. *Ibid.* c. 7; Boniface VIII. in Sext. Lib. III. Tit. XV.

(153). See above, § 10. This is forbidden by Clement III. in Decret. Lib. IV. Tit. VII. c. 4 and 5, but not disallowed by Innocent III. *Ibid.* c. 7.

(154). Decret. Lib. IV. Tit. I. c. 24; Lynd. 272; Devoti, § 123, 151.

(155). Concil. Vien. A.D. 1311, in Clem. Lib. IV. Tit. I.

separated by only one collateral degree (156) from his sister, by two from his cousin or niece, and by three from his second-cousin or great-niece.

23. It is disputed among canonists whether the prohibition of marriage within any degree of blood-relationship is due to Divine law, natural law, or positive enactment (157). Anciently the Greek Church allowed marriage between those related in the third direct degree, and the Western Church between those related in the fifth direct degree without, however, separating those who were married in the fourth (158). In the eighth century the Roman Church prohibited marriage to all related up to the seventh degree (159), but did not separate

(156). Pseudo-Gregory uses it thus in his fifth answer to Augustin's questions, in Baeda I. 27.

(157). The Jews were so averse to such marriages that to some of them they made death the penalty. They allowed Gentile proselytes to intermarry even with a sister or stepmother, which probably explains the incestuous marriage mentioned (1 Cor. v. 1). These marriages were forbidden Acts xv. 20. Thomas Aquinas, Gonzales, Pontius and Liguori hold the prohibition of marriage in the second degree, as between brother and sister, to be one of positive law only. Devoti, § 122; Concil. Neocaesar. A.D. 314, Can. 2 forbids, but Innocent III. in Decret. Lib. IV. Tit. XIX. c. 9, allows a man to marry a deceased brother's wife by dispensation. *Ibid.* c. 8 and Tit. XVII. c. 15, allows pagans converted to Christianity to retain their wives, although within the second or the third degree, just as the Jews permitted proselytes. Devoti, § 120, says that a bishop is restrained by no Divine law from allowing many marriages, but that the bishop's power is restrained by councils.

(158). Theodori Poenit. II. XII. 25, in H. & S. III. 201, and Caus. XXXV. Qu. II. c. 3: Marriage is allowed in the fifth degree according to the Romans, but it is not dissolved in the fourth after it has been consummated. Therefore men may marry in the fifth, and they are not separated if found in the fourth. Gregory *Ibid.* Qu. VIII. c. 1 and 2.

(159). Gregory III. A.D. 731, ap. Gratian Caus. XXXV. Qu. II. c. 1, 16; Capit. Franc. *Ibid.* c. 19, and Qu. VIII. c. 1; Concil. London, A.D. 1075, Can. 6: That no one marry any of his own kindred, or of the kindred of a deceased wife, or the widow of a deceased kinsman within the seventh degree. Concil. Westminster A.D. 1107. Can. 24: That they who are related within the seventh degree be not coupled in marriage. Concil. London A.D. 1126 Can. 16.

those married in the sixth degree (160), nor enforce this rule strictly in regard to those married in ignorance in the fifth or fourth degree (161). All impediments beyond the fourth degree were removed by the Fourth Lateran Council in the thirteenth century, which at the same time not only declared marriages within the fourth degree void (162), but also pronounced the issue of all such marriages illegitimate (163). The power of determining the impediments to marriage appears anciently to have rested with the bishop, and then to have been claimed to belong to a general council or to the Pope between whiles (164), but it would appear that it can nowhere be exercised without regard to the custom of the locality (165).

24. The prohibited degrees are not confined to degrees of blood-relationship, but include also degrees of affinity, the result of a previous marriage, or of illicit connection (166), but

(160). Concil. Ensham A.D. 1009, Can. 8; Cnut's Law 7, A.D. 1017: Never let it be that a Christian marry within the sixth degree.

(161). Gratian Caus. XXXV. Qu. VIII.

(162). Can. 51, in Decret. V. Tit. III. c. 3: Since the prohibition of conjugal union in the three last degrees has been revoked, we will that it be strictly observed in the other [four]. This had been the rule in England in 673 A.D., as appears from Pseudo-Gregory's [*i.e.*, Theodore's] letter ap. Gratian Caus. XXXV. Qu. II. c. 20; Egbert's Excerpt. 131, A.D. 740.

(163). 32 Hen. VIII. c. 38, forbids marriages within the fourth degree; but such marriages, though voidable, were not *ipso facto* void before the statute 5 and 6 Gul. IV. c. 54 made them so.

(164). Benedict XIV. de Syn. Lib. XII. c. 5 no. 9: No particular synod can create a new destructive impediment. Craisson, § 4176.

(165). Alexander III. in Decret. Lib. IV. Tit. XI. c. 1 and 3: We will that you carefully inquire into, and diligently imitate the custom of your metropolitan, or other adjacent Churches.

(166). Concil. Paris III. A.D. 557, Can. 4, calls it an unlawful union to marry a brother's widow, a mother-in-law, a paternal uncle's widow, a wife's sister, a maternal uncle's widow, a daughter-in-law, a mother's sister, a father's sister, a step-daughter, and step-daughter's daughter. Concil. Turon. II. A.D. 567, Can. 21; Concil. Autissiodor A.D. 578, Can. 27–32; Concil. Matiscon ap. Gratian Caus. XXXV. Qu. II. c. 14; Gregory *Ibid.* c. 3, and Caus. XXVII. Qu. II. c. 12, § 2; Concil. Tribur. A.D. 895, *Ibid.* Caus. XXXV. Qu. II. c. 7, 13; Concil. London A.D. 1075, Can. 6: That no one

in the latter case not to the same extent. Thus a man may not marry his step-daughter or mother-in-law, who through his wife are his connections (*affines*) in the first degree ([167]), nor his deceased wife's sister or brother's widow, to whom by marriage he is connected in the second degree ([168]), nor his uncle's widow nor his wife's niece, with whom he is connected in the third degree; nor may a woman marry her husband's relatives who through marriage are connected with her in the like degrees. Illicit connection ([169]), should it have taken place with a woman's relative within the forbidden degrees after espousal and before marriage, is a bar to lawful marriage with her ([170]), but it does not invalidate the marriage if it takes place after the nuptials have been consummated ([171]). Near relationship, which makes illicit connection a destructive impediment, is, by the Council of Trent, limited to the second direct degree, and does not extend further ([172]).

marry any of his own kindred, or the widow of a deceased kinsman within the seventh degree.

(167). Concil. Elib. A.D. 305, Can. 66, excludes from communion until death one who thus offends. Concil. Aurel. II. A.D. 533, Can. 10: Let no one ever marry his mother-in-law. Concil. Autissiodor A.D. 578, Can. 27, 28; Pseudo-Gregory to Augustin Ans. V. in Baeda I. 27: To marry with one's step-mother is a heinous offence.

(168). Concil. Elib. A.D. 305, Can. 61, requires a man who marries a deceased wife's sister to do penance for five years. Concil. Neocaesar. A.D. 314, Can. 2, and Concil. Aurel. A.D. 511, Can. 18, exclude from communion until he separates from her one who marries his deceased brother's wife. Syn. Rom. ad Gallos. A.D. 384, Can. 9; Concil. Martini. A.D. 572, Can. 79, condemn both kinds of marriages. Concil. Agath. A.D. 506, Can. 61, and Concil. Epaon. A.D. 517, Can. 30, condemn all marriages described as incest, and allow those so married to marry again properly, but do not divorce cousins already married. Concil. Aurel. III. A.D. 538, Can. 10; Concil. Arvern. A.D. 535, Can. 12; Concil. Autissiodor A.D. 578, Can. 30; Craisson, § 4284; Pseudo-Gregory to Augustin l. c.: It is forbidden to marry a sister-in-law, because by the former union she is become the brother's flesh.

(169). Innocent III. A.D. 1206, in Decret. Lib. IV. Tit. XIII. c. 10.

(170). Alexander III. *Ibid.* c. 2; Innocent III. *Ibid.* c. 7, and Tit. XIV. c. 2.

(171). Innocent III. *Ibid.* c. 6.

(172). Concil. Trident. Sess. XXIV. c. 4.

25. At one time the impediment of affinity included affinity of three kinds: (1) direct affinity arising out of marriage between a husband and his wife's relations, or between a wife and her husband's relations; (2) indirect affinity brought about by a second marriage and existing between a husband and the relatives of his wife's first husband, or between a wife and the relatives of her husband's first wife; and (3) remote affinity set up by a third marriage, and existing between a second wife and a first wife's connections by a previous marriage. The impediments arising from indirect and remote affinity were abolished by the Fourth Lateran Council in the thirteenth century (173), and the prohibition of marriage with a wife's or a husband's near relations and connections is now limited to the husband or wife personally (174). Hence two brothers may now marry two sisters; father and son may marry mother and daughter. Public honesty, nevertheless, extends the prohibition against marrying a deceased wife's relatives to contemplated as well as to completed marriages, and forbids a man or woman to marry a relative in the first degree of one to whom he or she has been betrothed (175), or a relative within the fourth degree of one with whom marriage has been initiated, although it was never consummated (176).

26. A similar disability extends to persons connected with one another spiritually or legally. By spiritual connection or affinity is understood the tie which exists between a god-parent

(173). Can. 50, A.D. 1215, *Ibid.* Decret. Lib. IV. Tit. XIV. c. 8.

(174). Innocent III. *Ibid.* c. 5.

(175). The words of Siricius ap. Gratian Caus. XXVII. Qu. II. c. 50, forbidding one person to marry a girl betrothed to another, are often quoted as an early instance of public honesty. Julius II. *Ibid.* c. 15: If any one is betrothed or formally pledged to a wife, and either through death or any other cause fails to consummate the marriage, let neither his surviving brother nor any of his kindred marry her. Gregory *Ibid.* c. 14, quoted in note 14. This prohibition, extending to the fourth degree, was reduced by Concil. Trident. Sess. XXIV. c. 3, to the first degree.

(176). Some have attributed to Boniface VIII. in Sext. Lib. IV. Tit. I. the invention of this impediment, but Coelestin. III. in Decret. Lib. IV Tit. XVII. c. 10, writing to the Archbishop of York, declared children illegitimate on that ground. Innocent III. *Ibid.* Tit. XIII. c. 7.

and god-child, or between a spiritual father and one whom he has baptized or confirmed (177); by legal affinity the tie which exists between an adopted child and the adopting parents (178). The incapacity arising from spiritual affinity was by the Council of Trent limited to the sponsor or baptizer, and the baptized or confirmed person personally, and his father or mother (179), and in this country it is generally ignored altogether. The rule as to legal affinity depends on the custom of the country (180), and is held also only to exist between the person himself and the husband or wife of the other (181). Neither of these disabilities, if they subsequently supervene, destroy marriage (182).

27. Marriage is also forbidden to an adulterer and the partner of his crime. In former times this prohibition was rigidly enforced until the full term of penance for the adultery had been fulfilled (183). The prohibition is now confined to three cases of

(177). Gratian Caus. XXX. Qu. I. c. 1, and Qu. III. and IV.; Concil. Ensham. A.D. 1009, Can. 8: Never let it be that a Christian marry within the sixth degree of relations among his own kindred, . . . nor to the widow of one that is so near akin in worldly affinity, nor one nearly related to his wife whom he formerly had, nor to any consecrated nun, nor to his spiritual relations. Cnut's Law 7, A.D. 1017: That no Christian man do ever take a wife of his own kin within the sixth degree, nor the widow of a kinsman so nearly related to him, nor of the kindred of a wife whom he formerly had, nor of his sureties at baptism. Concil. Westminster A.D. 1200, Can. 11: Let not a godson contract with the daughter of the baptizer, or of the god-parent, whether born before or after. Const. 2 Reynolds, A.D. 1322, Sext. Lib. IV. Tit. III. c. 3; Lynd. 35.

(178). Nicolaus, A.D. 865, in Decret. Lib. IV. Tit. XII; Devoti, § 136.

(179). Gratian Caus. XXX. Qu. III. c. 4: Sons or daughters of spiritual parents, begotten either before or after sponsorship, may lawfully contract marriage, but *Ibid.* c. 5 says that those born afterwards may not, because secular lords forbid the unemancipated to marry adopted children. Alexander III. in Decret. Lib. IV. Tit. XI. c. 1, inclines to the latter view. Concil Trident. Sess. XXIV. c. 2.

(180). Benedict XIV. de Syn. Dio. Lib. IX. c. 10, no. 5; Craisson, § 4273.

(181). Liguori, Lib. VI. no. 1027; Benedict XIV. de Syn. Lib. IX. c. 10, no. 4.

(182). Decret. Lib. IV. Tit. XI. c. 2, 4, 5, 6.

(183). Concil. Elib. A.D. 305, Can 72 ap. Gratian Caus. XXXI. Qu. I. c. 7, permits it after five years' penance; also Concil. Meldens. A.D. 845, *Ibid.*

crime ([184]), viz. (1) when a man and woman have schemed for the death of the husband or wife of one of them in order to be in a position to marry one another ([185]); (2) when one of them, after committing adultery, has actually brought about the death of his or her own husband or wife ([186]); and (3) when adultery has been committed between them, coupled with a promise to marry one another when free so to do, and the adultery and promise have been persisted in up to the time of the natural death of the injured party ([187]).

The Dissolution of Wedlock—Divorce.

28. Of the three aspects under which wedlock may be regarded, viz., as a natural, a civil, and a sacramental relation, the two former allow it to be voidable in whole or in part in accordance with custom or the law of the state ([188]). The

c. 5; Concil. Tribur. A.D. 895, Can. 51, *Ibid.* c. 1, 3, 4; Clemens III. *Ibid.* Decret. Lib. IV. Tit. VII. c. 4, 5; Gregory IX. *Ibid.* c. 8.

(184). Concil. Vermer. A.D. 752, ap. Gratian Caus. XXXI. Qu. l. c. 6, and in Decret. Lib. IV. Tit. XIX. c. 1; Alexander III. *Ibid.* Tit. VII. c. III.; Innocent III. *Ibid.* c. 6; Coelestin. III. *Ibid.* Lib. III. Tit. XXXIII. c. 1; Craisson, § 4318.

(185). Alexander III. to Bishop of Exeter, in Decret. Lib. IV. Tit. XVII. c. 6.

(186). Concil. Meldens. A.D. 845, ap. Gratian Caus. XXXI. Qu. l. c. 5, but not, according to Alexander III. in Decret. Lib. IV. Tit. VII. c. 1, when the other party is innocent, and would be injured by the rule being enforced. Alexander III. to the Abbot of Fountains, *Ibid.* c. 2.

(187). Innocent III. *Ibid.* c. 6.

(188). Cod. Theodos. Lib. III. Tit. XVI.; Justinian Novel. 117; Marculfus Lib. II. c. 30; Hieronym. Ep. 84 ad Oceanum: The laws of Cæsar are one thing, those of Christ another. Ambros. Lib. VIII. c. 30: You put away your wife as though it were right, and not a crime, and fancy it is allowed to you because human law raises no bar, but Divine law does. Augustin Serm. 392 (al. 49): This is not allowed by Catholic law, but it is by place-law (non jure poli etsi jure fori). Chrys. Hom. in 1 Cor. VII.: Do not quote to me laws made by outsiders which allow a bill of divorce to be given. For God will not judge you by those laws in that day, but by His own laws. Gregor. Ep. Lib. XI. 45 (al. IX. 39): Be it known to you that although human law allows it, Divine law forbids it. Devoti Lib. II. Tit. II. § 150; Liebermann VI. 991.

partial avoidance of it by the suspension of the marital coupling or common life is termed sequestration, or separation from bed and board ([189]); the total avoidance of it, by relaxing the contract of mutual fidelity, is termed divorce or repudiation. But it is otherwise with wedlock as a sacramental relation. As a life-long bond set up by the law of Christ, wedlock is indissoluble during the lifetime of the parties, except perhaps by adultery.

29. It is the general teaching of the Western Church that when once lawful wedlock has been contracted and consummated between Christians it cannot be dissolved, either by the sentence of a judge as in divorce ([190]), by the lapse of one of

(189). Concil. Aurel. v. A.D. 541, Can. 19, directs nuns who marry to be excommunicated; but if they purge their fault by separating (sequestratione), they may be readmitted to communion. Concil. Lugdun. III. A.D. 583, Can. 1.

(190). Math. XIX. 6: What God hath joined let not man put asunder; v. 8: In the beginning it was not so [that divorce was allowed]. Mark x. 11, 12; Luke XVI. 18; 1 Cor. VII. 10; Hermas. Command. IV. c. 1: If the woman continue in her crime, let the man put her away and remain by himself; should he marry another, he himself commits adultery. Athenag. Apol. 33; Tertullian de Monog. c. 9: [Matrimony] is dissolved not through the harshness of divorce, but through the debt of death. . . . A divorced woman cannot even marry legitimately. Concil. Gangra. A.D. 355, Can. 14 ap. Gratian I. Dist. XXX. c. 3; Augustin. *Ibid.* Caus. XXXII. Qu. VII. c. 1: The nuptial bond (confoederatio nuptialis) is not abolished by divorce, so that they continue when separated to be man and wife (ut sibi conjuges sint etiam separati), seeing they commit adultery with those with whom they copulate after their divorce. *Ibid.* c. 2: For as one who is excommunicated for some crime is not without the sacrament of baptism, even though he is never reconciled to God, so a wife divorced for adultery is not without the marriage bond (vinculo), though she be never reconciled to her husband. *Ibid.* c. 27: Such is the strength of the domestic tie between husband and wife that, although it be tied for the sake of procreation, it cannot be untied for the sake of procreation. . . . The tie of nuptials remains, although the offspring, for the sake of which it was instituted, does not follow, owing to manifest sterility. Concil. Carthag. A.D. 407, *Ibid.* c. 5: According to the Gospel and the Apostles' rule, let not a man divorced from his wife, or a woman divorced from her husband, be joined to another, but let them remain apart or be reconciled. Hieronym. *Ibid.* c. 7; Concil. Elib. A.D. 305, *Ibid.* c. 8; Gregory *Ibid.* c. 22; Egbert's

the parties into heathenism (191), or by anything short of the natural death of one of them (192), or his civil death by the solemn profession of the religious life. Ordinarily, the profession of the religious life must be made by both parties, and in this country the license of the archbishop is also required for that purpose (193). It is only allowed to be made by one without the other, if (1) the other consents thereto, and (2) is so advanced in years as to be able to observe continence in the world without suspicion (194). The Eastern Church, whilst allowing that marriage cannot be dissolved by divorce, contends that the bond (*vinculum*) is destroyed by adultery, provided it is complete (195), and hence regularly permits remarriage after divorce for adultery.

Excerpt. 120, A.D. 740, in Decret. Lib. IV. Tit. IV. c. 1, and Lib. III. Tit. XXXII. c. 14.

(191). Innocent III. in Decret. Lib. IV. Tit. XIX. c. 7, and Lib. III. Tit. XXXII. c. 14; Devoti, § 151.

(192). 1 Cor. VII. 39: *γυνὴ δέδεται νόμῳ ἐφ' ὅσον χρόνον ζῇ ὁ ἀνὴρ αὐτῆς· ἐὰν δὲ κοιμηθῇ ὁ ἀνὴρ αὐτῆς, ἐλευθέρα ἐστὶν ᾧ θέλει γαμηθῆναι, μόνον ἐν Κυρίῳ.* Augustin ap. Gratian Caus. XXXII. Qu. VII. c. 2 and 28: The conjugal tie remains among the living, and can neither be abrogated by separation nor by union with another.

(193). Alexander III. to Bishop of Exeter in Decret. Lib. III. Tit. XXXII. c. 4.

(194). Const. 27 Edmund, A.D. 1236: Let the priest forbid under pain of anathema any married person to enter into religion, or to be received except by ourselves or our license.

(195). Chrysostom Hom 19 in 1 Cor.: By adultery the marriage has been already dissolved. . . . After the wife's fornication the husband is no longer a husband. Asterius in Keble's Sequel, p. 58: Marriages are severed by nothing save death and adultery. See note 72. Goar's Euchology. Graec. The chief arguments are (1) that Math. v. 32 implies that a wife may be put away for fornication; (2) that Math. XIX. 32, Mark x. 11, and Luke XVI. 18 imply the same. In reply to (1) it is alleged that *παρεκτὸς λόγου πορνείας* in Math. v. 32 applies to antenuptial fornication (see above, § 19); and to (2), that the words in Math. XIX. 32 were not spoken of Christian marriage, but of the dispute in the Jewish schools between the followers of Rabbi Schammai, who contended that a woman could only be separated from her husband for adultery, and the followers of Rabbi Hillel, who maintained that she could be separated for being generally distasteful to him Deut. XXIV. 1). See Liebermann VI. 985, who also

30. When, on the other hand, lawful marriage has only been contracted but not consummated, it may be dissolved, because the religious bond is not yet sacramentally complete (196). This may be effected either (1) by the solemn profession of the religious life by one of the parties, or (2) by sentence of a competent authority for a satisfactory cause (197). For the profession of the religious life the consent of the other party is in this case not necessary (198); nay, so little is it required that, in order to afford both the opportunity of embracing religion, two months must elapse after marriage before either can be compelled to live with the other and render conjugal rites (199). For the same reason, or rather because the religious bond is altogether absent from it, a heathen marriage may be dissolved on one of the parties becoming a Christian (200), (1) if the other

remarks, § 990: A distinction must be drawn between truths which are believed to be contained in the Word of God and rest on the common faith of the Church but have not been laid down in any solemn decree, and those which the Church has expressly defined and requires to be believed under pain of anathema. Truths of the former kind there can be no doubt belong to the faith, but those who dissent from them are not cut off from the unity of the Church, nor do they incur the penalty of anathema. Lactantius Epit. Div. Inst. c. 66: [God has commanded] that the bond of the conjugal compact shall never be dissolved unless unfaithfulness have broken it.

(196). See above, § 7.

(197). Gregory ap. Gratian Caus. XXXIII. Qu. I. c. 1 and 2, says that if marriage has not been consummated on account of the man's [alleged] incapacity, the wife may marry another; but if the man afterwards wishes to marry he must take back his first wife. Theodori Poenit. II. XII. 32 in Haddan & Stubbs III. 201: If a man and woman are united in matrimony and the woman afterwards says that he cannot consummate the marriage, if any one can prove that it is so, let her marry another. Decret. Lib. IV. Tit. XV.

(198). Alexander III. in Decret. Lib. III. Tit. XXXII. c. 2: After lawful consent has been given in words of the present, one may enter a monastery against the wish of the other, provided there has been no sexual union. Innocent III. A.D. 1206, *Ibid.* c. 14: Before matrimony has been consummated by sexual union, either husband or wife may embrace religion without consulting the other. Thom. Aquin. in 4 Dist. 27, Qu. 1.

(199). Alexander III. *Ibid.* c. 7.

(200). Justin. 2 Apol. c. 2, relates that a Christian woman gave a bill of

refuses cohabitation, or (2) to prevent the blaspheming of the Divine name, or (3) to escape the commission of mortal sin (201); but it is not necessarily dissolved by conversion (202). Should a heathen renounce his marriage on becoming a Christian, and his partner be converted before he has contracted a fresh marriage, the former union revives, and becomes true sacramental marriage (203).

31. What is ordinarily spoken of as divorce is either the avoiding the tie of mutual fidelity as a civil relation by the state, which does not affect the obligations of Christians, or else the formal declaration that no sacramental relation exists. In the case of presumptive or reputed marriages which upon investigation are found to be no marriages at all, or in case of a real marriage the sacramental character of which has been already destroyed by adultery, such a formal declaration is necessary, on the ground that, whenever wedlock has been solemnly contracted in face of the Church, (1) such wedlock must be taken to be *prima facie* good although the impediment may be notorious (204); (2) that it cannot be treated as a nullity until it has been judicially declared to be such (205); and (3) that it

divorce to her heathen husband, lest she might be a partaker in his sins. 1 Cor. VII. 13: If he [the heathen husband] be pleased to dwell with her, let her not put him away; ver. 15: But if the heathen husband depart, let him depart οὐ δεδούλωται ὁ ἀδελφὸς ἢ ἡ ἀδελφὴ ἐν τοῖς τοιούτοις. Augustin ap. Gratian Caus. XXVIII. Qu. I. c. 8: Concil. Tolet. IV. A.D. 633, Can. 10; Ambrosiaster in 1 Cor. VII. 15: If the unbeliever departs, she has it in her discretion to marry a man of her own creed if she will.

(201). Innocent III. A.D. 1199, in Decret. Lib. IV. Tit. XIX. c. 7.

(202). Theodori Poenit. II. IV. 1, A.D. 673, in H. & S. III. 193, repeating Augustin ap. Gratian Caus. XXVIII. Qu. III. c. 2: "In baptism sins are released (dimittuntur), not the conjugal tie with a wife, because sons born before baptism as well as those born after are equally the sons of the baptized." On the other hand, Concil. Tribur. A.D. 895, Can. 39, *Ibid.* Qu. II. c. 1, in accordance with Athenag. quoted note 34: If a man marries a virgin-wife before baptism, he cannot after baptism have another during her lifetime. Innocent III. in Decret. Lib. IV. Tit. XIX. c. 8.

(203). Innocent III. l. c.

(204). Alexander III. l. c. c. 3; Urban III. *Ibid.* c. 6.

(205). Concil. Agath. A.D. 506, Can. 25: Those who put away their wives before they have been judicially condemned, or they have stated the

cannot be declared to be a nullity except in the lifetime of the contracting parties (206). Those cases in which the law of the state treats marriages as *ipso facto* void for purposes of inheritance do not concern us here (207).

32. Separation from bed and board is the name given to the suspension of the common life, and the withdrawal from conjugal rites, whilst the marriage bond remains intact. Such a separation may be brought about either by mutual consent or by one of the parties against the will of the other. It is allowed to one against the will of the other: (1) if one of the parties should relapse into heresy or idolatry (208); (2) if the married relation should oblige one of them to be an accomplice in crime, or the interruption of it will conduce to the amendment of the other (209) (3); if the husband is guilty of cruelty towards the wife (210); or (4) if either of them is guilty of adultery.

33. In case of adultery the innocent party is required to separate from the guilty one until the proper term of penance has expired (211). It is then at his option to receive the

cause of cutting them adrift (discidium) before the comprovincial bishops, should be excluded from the communion of the Church.

(206). Coelestin. III. in Decret. Lib. IV. Tit. XVII. c. 11.

(207). See above, § 17.

(208). Urban III. l. c. Lib. IV. Tit. XIX. c. 6; Innocent III. *Ibid.* c. 7.

(209). Alexander III. l. c. Lib. IV. Tit. XIX. c. 2.

(210). Concil. Vermer. A.D. 752, ap. Gratian Caus. XXXI. Qu. l. c. 6; Alexander III. in Decret. Lib. II. Tit. XIII. c. 8; Innocent III. *Ibid.* c. 13.

(211). Concil. Neocaesar. A.D. 314, Can. 8 ap. Gratian I. Dist. XXXIV. c. 11: If the wife of any clergyman have committed adultery since he has been in orders, he ought to dismiss her with a bill of divorce. If he choose to retain her, he may not discharge his office. Pastor Hermas ap. Gratian Caus. XXXIV. Qu. II. c. 7, and Decret. Lib. V. Tit. XVI. c. 3; Chrysostom *Ibid.* Caus. XXXII. Qu. l. c. 1: He who passes over the adultery of his wife is a participator in her crime. *Id. Ibid.* c. 4: If a man finds his wife to be an adulteress and afterwards chooses to dwell with her, let him do penance for two years for having intercourse with an adulteress. Hieronym. *Ibid.* c. 2; Siricius, A.D. 385, *Ibid.* Caus. XXXIII. Qu. II. c. 12. 13, 16, requires conjugal abstinence during penance. Theodori Poenit. I. XIV. 4, *Ibid.* Caus. XXXII. Qu. l. c. 6, and H. & S. III. 188: If a man finds his wife to be an adulteress, and does not put her away, let him do penance

offender back or not (212). To avoid worse evils, the substitution of a fresh partner in place of the offending one is sometimes permitted (213). But since the sacramental relation, even if destroyed by adultery (214), may be re-established by cohabitation, all separated persons remarrying in one another's lifetime are required to do penance, as though themselves guilty of adultery (215). Separation for adultery is, moreover, not

for three years, and as long as he does penance abstain from her. Egbert's Excerpt. 119, 121, A.D. 740; Decret. Lib. IV. Tit. XIX. c. 5.

(212). Chrysostom ap. Gratian Caus. XXXII. Qu. 1. c. 4, says that after two years' penance he ought to receive her back, because by the satisfaction she deserves to be no longer called an adulteress. Augustin *Ibid.* c. 7, 8: The reconciliation of husband and wife, after adultery has been purged by penance, should not be difficult, seeing that by the keys of the kingdom of heaven remission of sins is without doubt bestowed. Ambros. *Ibid.* c. 9: When wickedness is renounced, virtue is acquired. Theodore *Ibid.* c. 6, says after three years. Theodori Poenit. II. XII. 11, in Haddan and Stubbs III. 200: If a woman has committed adultery, it is in her husband's discretion to be reconciled to her or not. Decret. Lib. V. Tit. XVI. c. 3.

(213). Origen in XIX. Math. states that some rulers of Churches have allowed a woman put away by her husband to be joined to another. Basil Ep. 199, canonica II. ad Amphilochium, Can. 48: She who is deserted by her husband ought in my opinion to remain unmarried. Theodori Poenit. II. XII. 5, in H. & S. III. 199: If any man's wife commit adultery, he may put her away and take another, *i.e.*, if he have put her away because of adultery and she is his first wife, he may take another; and she, if she will do penance for her sins, may after five years take another. *Id.* II. XII. 19, 20, 21, *Ibid.* II. 200, allows remarriage in other cases during the partner's lifetime. See above, § 10.

(214). Augustin ap. Gratian Caus. XXXII. Qu. VII. c. 28, Caus. XXXIV. Qu. 1. See § 29, notes 190 and 195.

(215). Concil. Arelat. 1, A.D. 314, Can. 10, in H. & S. I. 7: Let those who detect their wives in adultery, being themselves youthful believers and forbidden to marry, be advised as far as possible not to take other wives. Codex Eccles. Afric. Can. 102; Concil. Andegav. A.D. 453, Can. 6, substituting the Roman for the Eastern rule, decreed: Let those who pretend to marry the [divorced] wives of others whilst their husbands are alive, abstain from communion. Theodori Poenit. II. XII. 19, 20, 21, prescribes three years' penance when remarriage takes place with the bishop's sanction. *Id.* I. XIV. 8, *Ibid.* III. 188: Let him who puts away his wife [wantonly] and takes another, do hard penance for seven years or light for fifteen. Egbert's Excerpt. 122, A.D. 740: A canon says: If a woman depart from her husband

allowed—(1) if the wife has been outraged against her will (216); (2) if the husband has been guilty of adultery by means of a deception practised on him (217); (3) if both parties are equally guilty (218); (4) if the husband has been the cause of the wife's adultery (219); or (5) if the husband has condoned it after being aware of its existence (220).

34. Questions of divorce and separation from bed and board are always accounted among the most difficult matters to be decided by ecclesiastical judges, and are therefore withdrawn from the cognisance of all inferior ordinaries (221), and to prevent collusion (222) such cases may not be gone into without the presence of a so-called defender of marriage. At his instigation a decision may be reviewed at any time, even after two previous sentences (223).

in contempt of him, refusing to return and be reconciled to him, he may take another wife after five or seven years, with the bishop's consent [dispensation], if he cannot contain. But let him do penance for three years, or even so long as he lives, because he is convicted of adultery by the sentence of the Lord. Pastor Hermas ap. Gratian Caus. XXXIV. Qu. II. c. 7, quoted note 190. See notes 73 and 96.

(216). Augustin ap. Gratian Caus. XXXII. Qu. V. c. 3; Innocent III. in Decret. Lib. IV. Tit. XIII. c. 6.

(217). Concil. Tribur. A.D. 895, *Ibid.* Caus. XXXIV. Qu. I. c. 6.

(218). Augustin ap. Gratian Caus. XXXII. Qu. VI. c. 1: Whoever wishes to put away his wife because of fornication, must first show that he is himself free from fornication. Alexander III. in Decret. Lib. IV. Tit. XIX. c. 4 and 5; Innocent III. *Ibid.* Lib. V. Tit. XVI. c. 6 and 7.

(219). Innocent III. in Decret. Lib. IV. Tit. XIII. c. 6.

(220). Chrysostom ap. Gratian Caus. XXXII. Qu. I. c. 4.

(221). Alexander III. in Decret. Lib. IV. Tit. XIV. c. 1: Matrimonial causes may not be heard by any but only by discreet judges, who have power of judging and are not ignorant of canonical rules. Const. 20 Langton, A.D. 1222: That rural deans presume not to hear matrimonial causes. Const. 23 Otho, A.D. 1237: That matrimonial causes, which are to be handled with peculiar deliberation and diligence, be committed to prudent and trusty men, and such as are skilled in the laws. Lynd. 79.

(222). Coelestin. III. in Decret. Lib. IV. Tit. XIII. c. 5.

(223). See *Judgments.* Devoti Lib. II. Tit. II. § 126. Modern statutes forbid commissions of review in this country.

VIII.

ECCLESIASTICAL SACRAMENTS.

1. Besides the sacraments which are in themselves means of grace, because they have been directly or indirectly ordained by Christ for that purpose, there are other sacramental signs used in the Church which are remotely means of grace, because, through the sympathy and compassion of the faithful (1), they are sanctified by the word of God and by prayer (2). In contrast to the greater sacraments these may be termed ecclesiastical sacraments. They include (1) sacramentals, (2) benedictions, and (3) suffrages. With them may be grouped (4) indulgences, although they are not properly sacraments, but acts of jurisdiction taking effect in the inner tribunal.

SACRAMENTALS.

2. A sacramental (3) may be defined to be any outward sign or thing which is not in itself a means of grace (4), but may become such if sanctified by prayer, provided it is properly

(1). Eph. II. 21, 21 ; Iren. Haer. II. 31, 3 : In the Church, sympathy and compassion, and steadfastness and truth, are displayed for the aid and encouragement of mankind.

(2). 1 Tim. IV. 5.

(3). Ferraris Peccatum, no. 53, uses sacramentalia in the sense that sacramenta was used in former times, and states that sacramentals (sacramentalia) are so called because they are habitually employed for making or administering sacraments, such as the sign of the cross and benedictions, . . . or because they imitate the virtue of sacraments. Collet de Sacram. c. 7, art. 2, defines sacramentals as "things (and by things acts are understood) ordained for the worship of God by some religious rite, and by the common persuasion of the faithful serving in a special manner for man's sanctification." The editors of the Cursus Completus of Migne, col. 1550, note 1, say, "Sacramentals are certain things or actions ordained by the Church, and consecrated to produce certain spiritual effects."

(4). Liebermann VI. 35, points out that although the Church might have had the power of constituting sacraments, yet it is nowhere stated that it has, neither does the belief of the Church claim for it such a

used by those who are within the communion of saints. There are generally said to be three forms of words and three material things which serve for sacramentals (5); there may, however, be others. The forms of words are—(1) the Lord's Prayer (6), or any other public prayer prescribed for use for some definite object; (2) the public confession prescribed to be used in the Eucharistic service and at morning and evening prayer (7); and (3) the various benedictions given by bishops, abbots, and presbyters. The material things are—(1) holy water (8), (2) the eulogies or benediction-bread and wine, and (3) almsgiving undertaken in obedience to a precept (9).

3. All ecclesiastical sacraments depend for their efficacy upon the prayers of the faithful; hence they can only be means of grace to the extent to which they are intended by the Church to be such. Being usually limited to those in a state

power. Hence sacramentals are (1) not of Christ's institution, and (2) do not carry with them Christ's promise of sanctifying grace.

(5). They are commemorated in the line—

Orans, tinctus, edens, confessus, dans benedicens.

(6). Cyprian de Orat. Dom. c. 9, speaks of the sacramental value of the Lord's Prayer (sacramenta orationis dominicae). Augustin ap. Gratian Caus. XXXIII. Qu. III. Dist. III. c. 20: As to the daily lighter and lesser shortcomings without which this life cannot be led, the daily prayer of the faithful makes satisfaction. Concil. Tolet. IV. A.D. 633, Can. 10, insists on the daily use of the Lord's Prayer for this purpose. See *Baptism*, § 27.

(7). Const. 5 Reynolds, A.D. 1322. Lynd. 242 says the general confession is said at mass, at prime, and at compline.

(8). Concil. Agath. A.D. 506, *Ibid.* I. Dist. l. c. 64, orders penitents to be sprinkled with holy water. Gregory to Bishop Mellitus of London, A.D. 601, in Baeda I. 30, orders heathen temples to be reconciled by being sprinkled with holy water. Theodori Poenit. II. 1, 1, A.D. 673, in Haddan and Stubbs III. 191: Those who live in houses may sprinkle them with holy water as often as they like, and when you consecrate the water first make a prayer. Athelstan's Law 8, A.D. 925; Edgar's Law 43, A.D. 960; Const. 22 Boniface, A.D. 1261, orders the benefice of the holy water to be conferred on clerks. Const. 15 Peckham, A.D. 1281; Lynd. 142.

(9). Cyprian de Orat. Dom. c. 32: Prayer is made effectual by fasting and almsgiving. Concil. Clovesho. A.D. 747, Can. 26, 27; Concil. Chelsea A.D. 816, Can. 10, prescribes such almsgiving for the benefit of others.

of grace, they are efficacious to remit venial but not mortal sins; for the latter the sacrament of penance is provided (10). Nevertheless there are certain sacramentals instituted for persons and things outside the state of grace, such as (1) exorcised salt (11) and exorcised oil (12), for the benefit of catechumens; (2) ashes for the reclamation of penitents; and (3) hyssop for removing the stain from desecrated places and things. All sacramentals have a certain efficacy of their own, because they carry with them the benefit of the prayers of the Church. Hence it is not a matter of indifference whether the sacramental signs are actually hallowed or whether they are only erroneously believed to have been hallowed (13).

4. Holy water is water mixed with exorcised salt (14), and blessed by a bishop or presbyter, to cleanse and preserve those sprinkled with it from all impurity of the flesh or spirit. Its use is said to have been introduced by Alexander I. in the second century (15). It is usually blessed every Sunday, so that the altar and all who are present may be sprinkled with it before the solemn Eucharist commences. Formerly it was the custom to carry it in procession throughout the district, and to sprinkle with it the faithful who were unable to assemble in

(10). Const. 5 Reynolds, A.D. 1322: Let not a priest think as some do by mistake, that mortal sins are blotted out by the general confession. Lynd. 237, says that mortal sins are not forgiven in a non-sacramental general confession, so far as the power of the keys is concerned, but venial sins are. *Id.* 242.

(11). Concil. Carthag. III. A.D. 397, Can. 5: On the most solemn Paschal days let no sacramental sign be given to catechumens save the accustomed salt. Augustin de Peccat. Mer. et Remiss. II. 26: That which catechumens receive, although it is not the Body of Christ, is holy—more holy than the food on which we live—because it is a sacramental sign. Leofric Missal 249, gives the form for exorcising the salt. Edgar's Law 43, A.D. 960; Const. 27 Peckham, A.D. 1281.

(12). See *Baptism*, note 34; *The Sacraments*, § 24.

(13). Craisson, § 4458.

(14). Pseudo-Isidor. ap. Gratian III. Dist. III. c. 20: Water sprinkled with salt we bless for the people to use. Rabanus *Ibid.* III. Dist. IV. c. 64.

(15). Walafrid Strabo c. 28.

Church. Those who carried it round were called water-bearers (aquaebajuli), and received a small fee for the service, and several English constitutions require the benefice of the Holy Water (as this privilege was called) to be conferred on none but poor clerks (16).

5. The eulogies (17) or benediction-bread and wine, called by the Greeks *antidoron*, represent that part of the Lord's Supper which was formerly called the ἀγαπή or love-feast (18), and consist of bread and wine which have been solemnly offered to God with prayer by the faithful, but have not received the divine invocation whereby they become the Eucharist (19). It

(16). Const. 22 Boniface, A.D. 1261; Const. 15 Peckham, A.D. 1281; Lynd. 142; Le Brun I. 88.

(17). Gregory Nazianzen Orat. 19, states that he was in the habit of blessing white loaves marked with the sign of the cross. Socrates VII. 12, relates that, in 412 A.D., Chrysanthus, the Novatian Bishop of Constantinople, would receive nothing from the Church but two loaves of benediction bread (ἄρτους εὐλογιῶν). Concil. Laodic. A.D. 363, Can. 32; Concil. Martini A.D. 572, Can. 70.

(18). As appears from 1 Cor. XI. 20, 21, it was considered part of the Lord's Supper. Tertullian Apolog. c. 39: Our feast explains itself by name. The Greeks call it agape [*i.e.*, love]. . . . The participants before reclining taste first of prayer to God. As much is eaten as satisfies the cravings of hunger; as much is drunk as befits the chaste. Concil. Laodic. A.D. 363, Can. 28, forbids the agape to be celebrated in churches, repeated by Concil. Trull. A.D. 692, Can. 74. Concil. Carthag. III. A.D. 397, Can. 20: Let no bishop or clergy hold repasts in Church unless travellers be then entertained from the necessity of showing hospitality. Can. 29: That the sacrament of the altar be not celebrated by men unless fasting, except on the one anniversary day whereon the Supper of the Lord is celebrated. It is described by Hieronym. in Epist. I. ad Cor. c. 11, and Chrysost. in Epist. I. ad Cor. Hom. 27. Augustin contra Parmenian. Lib. III. c. 2: Why, then, do ye not only take the food of your table with such persons against the Apostle's precept, but also communicate the Supper of the Lord's Table? The benediction-bread was given in the British Church—see H. and S. I. 259, 638; and also among the Saxons—Thorpe II. 151, 160: Come neither to loaf nor to housel.

(19). Apost. Const. VIII. 31 directs the offered but unconsecrated bread to be divided among the clergy. Simeon of Thessalonica de Templo. p. 230, and Le Brun II. 417, says that among the Greeks those who receive it treat it with great respect as having been offered to God with prayer in

was the custom in the fourth century for bishops to send the eulogies to one another at Christmas and Easter as a token of membership in the One Body (20), and sometimes even to send the Eucharist (21). In later times, when discipline grew slack, the eulogies were distributed to the faithful who, from whatever cause, were prevented from partaking of the Eucharist, and in small places they were often distributed on Sunday when there was no Eucharistic consecration (22). The distri-

the service of the πρόθεσις, and kiss the hand of him who gives it to them. Cavalieri Op. IV. 47. According to Duchêsne, the eulogies are blessed in the Roman rite towards the close of the canon at the words, Per quem haec omnia, Domine, semper bona creas, sanctificas, vivificas, benedicis et praestas nobis.

(20). Paulinus of Nola Epist. v. 21, in Migne LXI. 177, sends bread to Bishop Severus, to be used for eulogies. Augustin Ep. 31 (al. 34) ad Paulin. : The bread which we have sent will become a truer benediction-bread (uberior benedictio) by your charity. Paulin. Epist. 41 ad August. : One loaf which we have sent to your charity in token of unanimity, we pray that you will bless on receiving it. Paulin. Ep. 45 ad Alip.

(21). See *The Eucharist*, note 312.

(22). Leo IV. A.D. 850, Hom. de Cura Past. : On festal days distribute the eulogies to the people after masses. Concil. Nannet. A.D. 895, in Regino l. c. 332 : Out of the oblations which are offered by the people and are left unconsecrated, the priest shall bless and distribute pieces, after the Mass is over, to those who have not communicated. John Belethus in Bridgett's Hist. of the Eucharist II. 39, 259, attributes to St. Benedict the custom of making a little lunch (parvum prandiolum) in Church, on Easter Day, of the bread and wine, after the Communion. Syn. Dunelm. A.D. 1220, in Wilkins I. 580 : When women come to be churched after child-birth, priests must only give them the holy loaf, and not the Body of Christ, unless they expressly ask for it and have made their confession. The directory of the monastery of Bec in Giles' Lanfranci Op. orders that on Maundy Thursday the poor whose feet are to be washed shall be communicated with benediction-bread only. Const. 4 Edmund, A.D. 1236, forbids priests' concubines to be admitted either to the pax or to the benediction-bread. A synod of 1255, in Martene de Antiq. Rit. l. c. IV. 10, orders that on Easter Day the Eucharist be not given to children, but only the blessed bread. Const. Giles Saris. A.D. 1256, in Wilkins I. 714, requires the parishioners to provide the holy loaf every Sunday. Const. 27 Peckham, A.D. 1281. Conf. Const. 1 Peckham, A.D. 1281. During the interdict in 1207 A.D., according to the Dunstable Annals in Bridgett II. 284, when the Eucharist could not be celebrated, blessed bread and wine

bution was, however, confined to the faithful, neither catechumens nor penitents, whilst undergoing penance, being allowed to participate in them.

Benedictions.

6. A benediction is an invocation of God to obtain from His Almighty power the virtue necessary to produce some desired effect, and to impart holiness or grace to some person or thing (23). Such an invocation carries with it more or less effect according to the degree in which it reflects the unanimous mind of the Church, and is made by one who is the authorised exponent of that mind in intercession (24). (1) One which expresses the unanimous mind of the whole Church is

were allowed to be distributed after the sermon. The Register of Bishop Stapledon of Exeter, p. 296, A.D. 1310, contains a complaint of the men of Norton, setting forth that that chapelry was served by a chaplain, who every Sunday read and explained the Gospel and gave them the benediction-bread, but was only allowed to offer the Eucharist at Christmas and Easter. The Book of Evesham, p. 45, directs it to be blessed and given to bridegroom and bride after their marriage. Maskell Mon. Rit. I. CCCXVIII. (ed. 1882).

(23). Le Brun III. 242. Thus Christ blessed the bread, *i.e.*, invoked the Father to multiply it (Math. XIV. 19; Mark VIII. 6). Thus, before raising Lazarus, He invoked the Father and then rendered thanks (John XI. 41).

(24). Tertullian de Orat. c. 27: Every institution is excellent which for the extolling and honouring of God aims unitedly to bring Him enriched prayer as a choice victim. Cyprian de Unit. Eccl. c. 12: If two of you shall agree on earth, . . . it shall be given you. . . . He placed agreement first. He has made the concord of peace a prerequisite [Tertullian de Orat. c. 18: What prayer is complete if divorced from the holy kiss?]. But how can he agree with any one who does not agree with the body of the Church? *Ibid.* c. 25, commenting on Acts I. 14, These all continued with one mind in prayer, observes: And thus they prayed with effectual prayers. Thus they were able with confidence to obtain whatever they asked from the Lord's mercy. See *Baptism*, notes 46 and 219. *Id.* Ep. 7 (Oxf. 11), 3: If two of one mind can do so much (Math. XVIII. 19), what might not be effected if the unanimity prevailed among all? Ep. 56 (Oxf. 60), 2: Whatsoever is at the same time sought for by all, the God of Peace will grant to the peaceful. De Op. et Elemos. 4: When Peter had brought to the Lord the prayers intrusted to him.

called a canon of benediction ([25]). (2) One which represents the united suffrages of the members of some part of the Church is called a collect of benediction ([26]). (3) One in which the benefit of the prayers of a single fellow-member is communicated is called a suffrage of benediction ([27]).

(25). The Jews had a prayer summarising the prayers of the synagogue, called the fountain or "the summary." The Lord's Prayer is no other than the divinely sanctioned "summary," or collecta oratio, and was used as such at the conclusion of every service and of the Eucharistic consecration. Ordinarily, the term collect is confined to summaries of prayer used at the presbyter's discretion; the Lord's Prayer and the Eucharistic prayer being called canons of benediction. Ignat. Eph. c. 5: If the prayer of one or two possesses such power, how much more that of the bishop and the whole Church? Ad Magnes. c. 7: Let there be one prayer in common.

(26). Tertullian Apol. c. 39: We meet together as an assembly and congregation, that offering up prayer to God as with united force we may wrestle with Him in our supplications. Cod. Eccl. Afric. Can. 103, directs prayers to be used in public which have been collected (collectae) for common use by the better instructed. Concil. Agath. A.D. 506, Can. 30, directs every service to be concluded with the bishop's summing up prayer (collecta oratione), which Concil. Barcin. A.D. 540, Can. 2, calls a benediction. *Id.* Can. 5 directs presbyters colligere orationes in ordine when the bishop is present. Concil. Paris III. A.D. 557, Can. 7: Let no one who is excommunicated be admitted to the collective prayers (colligatur). Theodori Poenit. II. IX. 2, in H. & S. III. 197, directs a desecrated church to be reconciled aliqua collectione, and II. II. 14 *Ibid.* III. 192 says that deacons may not say the *collectio*. Amalarius de Eccl. Offic. Lib. III. c. 9 says that the presbyter's prayer is called both *benedictio* and *collectio*. Walafrid Strabo in Migne. CXIV. p. 920: Collecta dicuntur quia necessarias petitiones compendiosa brevitate colligimus. Micrologus, A.D. 1077, c. 3, says that "a collect is so called because the presbyter who acts for the people sums up and concludes in it the prayers of all," and that properly there are only two collects in the Roman Liturgy, one with which the private prayers before the offering are summed up [now called the collect], the other with which the private prayers after the communion are summed up [now called the post-communion]. To these must be added the canon of benediction. See *The Eucharist*, § 13. The Mozarabic rite consisted of nine collects with their introductions and farsings.

(27). Tertullian de Bapt. c. 8 speaks of the sacramental rite in which Jacob blessed his grandsons. Bishop Abercius, in the second century, ends his own epitaph with the words, Let every friend who observeth this pray for me. Archaeolog. Cambrensis, fourth series, v. 245, contains an ancient inscription, in Cardiganshire: Whoever reads this name let him say a benediction for the soul of Hiroidel. See *The Sacraments*, note 87.

7. Canons of benediction are used by bishops as officers of the whole Church, but in certain cases they may be used by presbyters specially deputed to act for the bishop. Those which are given in the most solemn way with the use of chrism, such as the benedictions at confirmation, ordination, and the consecration of Churches, altars and chalices, are exclusively reserved to bishops ([28]). Collects of benediction, in which the prayers of a local church are compendiously summed up, are used by presbyters, such as the blessing of holy water, of nuptials ([29]), of eulogies, of a Church or person, the ordinary salutation given by the priest in the Eucharist ([30]) or at other times ([31]), as to a woman after child-birth on her reappearance in Church ([32]). Simple suffrages are used by all the faithful, either to one another, as in the Easter salutation and the kiss of peace ([33]), or by each one to himself, as in signing with the sign of the cross ([34]), or doing anything "in the name of Christ" ([35]).

(28). Innocent III. in Decret. Lib. I. Tit. XV. c. 8, as interpreted by the Congregation of Rites, May 16, 1744, No. 4010; 5 and 6 in Craisson, § 4469.

(29). Stat. Eccl. Ant. A.D. 505, ap. Gratian I. Dist. XXIII. c. 33; Let the bride and bridegroom when they receive the nuptial blessing be offered by their attendants.

(30). Concil. Brac. I. A.D. 563, Can. 3, aiming at abolishing the Gallican practice in favour of the Roman in Portugal, forbids bishops to give the triple benediction, whereas presbyters only use the form, The Lord be with you.

(31). Concil. Epaon. A.D. 517, Can. 35, requires, all persons of quality, wherever they may be, to repair to the bishop on Easter Eve and Christmas Eve to receive a solemn blessing.

(32). Theodori Poenit. I. XIV. 18 in Haddan and Stubbs III. 189, forbids a woman to enter Church for forty days after child-birth. Gregory ap. Gratian I. Dist. V. c. 2, and Innocent III. A.D. 1198, in Decret. Lib. III. Tit. XLVII. declare it to be lawful. English use, however, did not allow it, as appears from Const. 7 Mepham. A.D. 1328; Craisson, § 3317.

(33). Tertullian de Orat. 18: Such as are fasting withhold the kiss of peace, which is the seal of prayer. Apost. Const. VIII. 11: Let the deacon say, Salute one another with the holy kiss, and let the clergy salute the bishop. Decret. Lib. V. Tit. XXXIX. c. 29: Const. 6 Edmund, A.D. 1236; Lynd. 198, 338.

(34). See *The Sacraments*, § 26, note 101.

(35). Acts III. 6: In the name of Jesus rise up and walk; IV. 7 and 12

SUFFRAGES.

8. A suffrage is, properly speaking, a vote recorded for another at an election. By theologians it is used to describe a prayer which is offered, or an act which is done by one Christian on behalf of another (36), in the hope that God will be pleased to accept it as the act of the other by reason of the solidarity of the common Body and the intimate connection which exists between all its parts (37). For this effect to be

30; XVI. 18; 1 Cor. VI. 11. Tertullian Apol. c. 23: All the authority and power we have over demons is from naming the name of Christ. Cyprian Ep. 73 (Oxf. 74), 5: [Stephen and those with him] attribute the effect of baptism to the majesty of the name. Treatise on Rebaptism, A.D. 255, c. 8: Invocation of the name of Jesus ought not to be thought futile by us, on account of the power of that name in which all kinds of power are accustomed to be exercised, and occasionally by those outside the Church; c. 11: Certain things are conceded to the very name only of the Lord. In Acta Perpetuae, A.D. 202, c. 3: In the name of the Lord Jesus Christ the demon shall not hurt me. Amalarius de Eccl. Offic. I. c. 12: The oil of the sick has no proper office, but only, In the name of the Lord.

(36). In Gen. XVIII. 32 God declares that for the sake of ten righteous He will not destroy the city. 2 Kings XIX. 34: I will protect this city for David My servant's sake. Jerem. V. 1; Job XLII. 9, 10. In 2 Cor. VIII. 14, when St. Paul solicited alms on behalf of the Christians of Jerusalem, he promised that in return their abundance [*sc.*, in prayers and good works] should supply the Corinthians' want. Clem. Strom. VII. 13: [The true Christian] exercises beneficence well, praying that he may get a share in the sins of his brethren in order to confession and conversion on the part of his kindred, and eager to give a share to those dearest to him of his own good things. Rom. IX. 3: I could wish myself accursed for my brethren's sake; c. 14: Matthew the apostle said that "if the neighbour of an elect man sin, the elect man has sinned; for had he conducted himself as the Word prescribed, his neighbour would have so reverenced his life as not to sin. Cyprian Ep. 66 (Oxf. 68) says that "the Novatians have departed from the agreement of our body, holding that the comforts and aids of Divine love . . . are closed to the penitent. The Book of Evesham, p. 117, directs the brethren to say the Creed on behalf of the dying that the faith of the brethren may assist the departing by way of suffrage (ut fraterna fides suffragium conferat migraturo).

(37). Gal. VI. 2: Bear ye one another's burdens. Eph. IV. 12; 1 Cor. XII. 13, 21; Ambros. in Ps. CXIX. 63, Op. II. 563: As we call each member

possible two conditions are necessary: (1) both the giver and the receiver of a suffrage must be themselves at the time within the communion of saints; (2) the object of the suffrage itself must be lawful.

9. Suffrages are of three kinds: (1) those made in the Eucharistic service, (2) those made by supplication at other times, and (3) those made by doing vicarious works of mercy. The most effectual act of spiritual aid which can be rendered to another consists in interceding for him in the Eucharistic service (38). When the suffrages of many are united on behalf of some one person or object, the collective and unanimous prayer carries with it the Divine promise of being heard, so far as it is in accordance with the ascertained will of God (39). Such united prayer, when coupled with an offering and made for the dead, is called a commendation (40). The combination of suffrages in the Eucharist for particular persons and objects is not, however, allowed, unless with the sanction of the Church (41). Hence the commemoration of those who have died impenitent (42) or rebellious (43), whilst offending against

a partaker of the whole Body, so we are conjoined to all those who fear God, so that no one may say to another, You are not of my body. Iren. IV. 20, 12, says that in this way Hosea's wife of whoredom was sanctified by intercourse with the prophet, the Ethiopian bride by Moses as her husband, Rahab the harlot by the spies whom she took in.

(38). Cyprian de Unit. Eccl. c. 12; The Lord said, If two of you shall agree on earth, . . . it shall be given you, . . . showing that most is given not to the multitude but to the unanimity of them that pray. *Ibid.* c. 25: These all continued with one mind in prayer, and therefore they prayed with effectual prayers. Acts IV. 32.

(39). Rom. XV. 30; James V. 16.

(40). Concil. Carthag. III. A.D. 397, Can. 36; Concil. Tolet. IV. A.D. 633, Can. 13: Hymns are composed like private prayers (preces), collects (orationes), commendations, and benedictions (manus impositiones).

(41). Codex. Eccl. Afr. Can. 103, directs no prefaces, commendations, or benedictions to be used at the altar, except such as have been sanctioned in council.

(42). Cyprian Ep. 65, A.D. 249, ap. Gratian I. Dist. LXXXVIII. c. 14: Since Victor, contrary to the rule lately made in council by the bishops (sacerdotes), has dared to appoint Geminius Faustinus, a presbyter, his executor, it is not allowed that any offering be made by you for his

the laws of the Church, is forbidden. The commemoration of a tolerated person is, however, permitted, but an offering may not be made for such an one (44); and neither a deceased nor a living catechumen may be commemorated in the offering of the faithful (45). With these exceptions, suffrages may be made in the Eucharistic service, and works of mercy done for all Christians, including infants (46) and lunatics, the dead as well as the living (47), and even those apparently not in a

repose, nor any prayer be made in the Church in his name. Augustin Serm. 172 (al. 32): For those who have died without faith, which worketh through love, such offices are in vain rendered by their friends. Egbert's Excerpt. 154, A.D. 740: Whatever clerk dies in war, intercession should not be made for him, either by an offering or by prayer. Concil. Chelsea A.D. 787, Can. 20: If any man die without repentance and confession, prayers must not be made for him.

(43). Theodori Poenit. I. V. 12, in H. & S. III. 181: If a presbyter celebrate mass, and another who reads out the names of the dead includes those of heretics, let him do penance for a week. If any one has instituted a Mass for a dead heretic, . . . let him do penance.

(44). According to Liguori VI. 209, and VII. 164; Craisson, § 3474, however, relying on 1 Mac. XII. 11, and 1 Tim. II. 1 and 2, would allow it in these cases, which seems to ignore the meaning of the offering.

(45). Concil. Araus. A.D. 441, Can. 20: Let catechumens as far as possible be separated from the blessing of the faithful, even in domestic prayers, and be exhorted to withdraw and receive a separate signing and blessing apart. Concil. Brac. I. A.D. 563, Can. 17: Neither commemoration in the oblation, nor the office of singing is allowed for catechumens dying without baptism.

(46). Theodori Poenit. II. V. 77, A.D. 673, in H. & S. III. 194.

(47). Stat. Eccl. Ant. A.D. 505, Can. 95: They who refuse or only reluctantly make offerings for the dead should be excommunicated as slayers of the needy. Apost. Const. VIII. 42: Let alms be given to the poor out of his goods for a memorial of him. Gregory III. to Boniface, A.D. 732, ap. Gratian Caus. XIII. Qu. II. c. 20: Holy Church holds that each one may offer oblations for his dead who are truly Christians, and that a presbyter may commemorate them; and although we are all subject to sins, it is fitting that a presbyter should commemorate and intercede for all deceased Catholics; but for the impious, even if they were Christians, this is not lawful. Florus, A.D. 870, de Celeb. Miss.: We can only pray for those who die in the faith, and whom we regard as members of Jesus Christ; whose works require to be purified before they enter into the

state of grace, such as suicides, provided they were previously persons of good life (48), and penitents, provided they were observing the rules of penance (49).

10. Apart from the Eucharist, suffrages may be given either singly or unitedly to fellow-Christians, by saying the Lord's Prayer and the Psalter, or portions of it, on their behalf—the Lord's Prayer because the petition for forgiveness extends to all members of the Christian brotherhood (50), the Psalter because it is the intercessory utterance of the Son of God to the eternal Father for all the members of His Body (51). Prayers may even be said and works of mercy done for those excommunicate, for catechumens and infidels (52), and for the Jews who crucified Christ; but the solemn offering of prayers for such is in the West confined to one day in the year, Good Friday (53); and although ordinarily prayers

everlasting habitation to which none are admitted unless they are purified from every trace of sin. See Le Brun, I. 514.

(48). Theodori Poenit. II. X. 1, in H. & S. III. 197, and II. X. 4, *Ibid.* p. 198.

(49). Stat. Eccl. Ant. A.D. 505, ap. Gratian Caus. XXVI. Qu. VII. c. 6: Should penitents who carefully keep the rules of penance accidentally die on a journey, . . . their memory may be commended to God in oblations and prayers.

(50). Cyprian de Orat. Dom. c. 8: Each one does not ask that only his own debt should be forgiven him; c. 17: We so pray and ask by the admonition of Christ as to make our prayer for the salvation of all men. Codex. Eccl. Afric. Can. 115, 116 censures the view that the Lord's Prayer is used by the saints only by way of intercession for others. Concil. Tolet. IV. A.D. 633, Can. 10; Concil. Chelsea A.D. 816, Can. 10, directs ten belts of Lord's Prayers to be said for a deceased bishop.

(51). Hence Richard Hampole, in Lynd. 184, says: The chanting of Psalms puts evil spirits to flight, brings angels to our assistance, takes away sins, appeases God, and leads to perfection.

(52). Cyprian de Orat. Dom. c. 17: We should ask, moreover, for those who are still on earth and have not yet begun to be heavenly, that even in respect of these God's will should be done. Theodori Poenit. II. XIV. 2, in H. & S. III. 202: He who fasts for a dead man helps himself; whether he helps the dead is known only to God.

(53). In Spain, according to Concil. Tolet. IV. A.D. 633, Can. 6, and Duchêsne 425, this was called Indulgentia. The Western collects

may be said for heretics, yet they may not be said with them (54).

INDULGENCES.

11. An indulgence, according to the historic meaning of the term, is a remission of part or discharge from the whole of the outstanding canonical penances which have been authoritatively imposed on an offender for the vindication of the Church's holiness before his restoration to communion (55). In this

provided for this purpose are in Leofric's Missal, p. 95, 96. Before each collect the deacon said: Let us kneel; but he omitted this invitation before the prayer for the Jews. Teaching of Addaeus, p. 31: With the Jews, the crucifiers, we will have no fellowship.

(54). Theodori Poenit. I. V. 4 l. c.; III. 181: If any one prays with a heretic as with a Catholic, let him do penance for a week. Concil. Antioch. A.D. 341, Can. 2; Concil. Brac. II. A.D. 572, Can. 84; Stat. Eccl. Ant. A.D. 505, Can. 72: Cum haereticis neque orandum neque psallendum.

(55). Ps. XCIV. 12; 1 Cor. XI. 32; Heb. XII. 6; 1 John III. 3; Rev. III. 19. In 1 Cor. V. 3-5 St Paul decides (κέκρικα) in the name of Christ, in a consistorial gathering of the Corinthians (συναχθέντων ὑμῶν καὶ τοῦ ἐμοῦ πνεύματος), at which he is present in spirit with the power of Christ, to deliver the incestuous Corinthian to Satan for the destruction of the flesh, that his spirit may be saved; but the following year (2 Cor. II. 6) declares that punishment has been sufficient to produce its effect (ἱκανὸν τῷ τοιούτῳ ἡ ἐπιτιμία αὕτη), and ver. 10 remits the rest (ᾧ κεχάρισμαι). Concil. Elib. A.D. 305, ap. Gratian Caus. XXXI. Qu. l. c. 8: A time of penance is appointed for those who contract a second marriage, but their conversation and faith may abbreviate it. Concil. Nic. A.D. 325 Can. 12: The bishop may use some favour towards those who demonstrate their conversion in fear, and tears, and patience, and good works, so as after the determined time of being hearers, to let them partake of the prayers, and determine yet more favourably concerning them. Concil. Ilerd. A.D. 523, Can. 5 *Ibid.* 1 Dist. l. c. 52: Let it be within the bishop's power to suspend only for a short time such as truly grieve, and to separate the remiss for a longer period. Theodori Poenit. I. III. 3 in Haddan and Stubbs III. 179, says that by making restitution, the time of penance after stealing may be abbreviated. I. IV. 1 *Ibid.* p. 180 says that after murder it may be reduced one-half by paying the were-geld. I. IV. 5 and I. XII. 5: It is in the bishop's power to relax.

respect it belongs to the outer forum, and resembles the remission of the wergeld, or satisfaction required by the civil community for any violation of its laws (56), and consists either (1) in shortening the time of penance (57), or (2) in making the manner of it lighter (58). Such indulgences were conceded in early days either upon general request to one who truly repented of his offence, and had given evidence of amendment (59), or upon the particular request of a martyr or confessor called letters of relief (*libelli*) (60).

12. By a stretch of mercy indulgences soon came to be

(56). Cyprian de Laps. c. 23: Some are punished that others may be corrected. Tertullian de Judic. c. 2: Why then do they grant indulgences under the name of repentance to crimes for which they furnish remedies? Augustin ap. Gratian Caus. XXXIII. Qu. III. Dist. l. c. 85: Let him do that [penance] which shall not only be of use to procure his own salvation, but shall also be of use to others by way of example. Alfred's Law, A.D. 877: Then were many synods of holy bishops where they, out of that tenderness which Christ taught towards the greatest crimes, decreed that secular lords might take pecuniary fines, with a reserve to the sin itself, except for treason. Concil. Ensham, A.D. 1009, Can. 32: As men are more potent . . . so shall they make the deeper satisfaction and pay the dearer for their crimes. Alexander III. in Decret Lib. V. Tit. XXXVIII. c. 9.

(57). Concil. Elib. A.D. 305, quoted note 55. Leo *Ibid.* Caus. XXVI. Qu. VII. c. 2 permits the term to be abridged so that the whole term be not remitted. It is otherwise with public crimes. Lynd. 331.

(58). Both kinds are mentioned by Gregory ap. Gratian Caus. II. Qu. l. c. 6; Devoti Inst. Lib. II. Tit. II. § 120.

(59). As in the case of the incestuous Corinthian already referred to, note 56, and under *Order*, note 19. Tertullian de Pudic. c. 13: It is usual for the greatest indulgences not to be granted without public proclamation. Augustin ap. Gratian I. Dist. l. c. 25. Ambros. *Ibid.* Caus. XXIII. Qu. IV. c. 33: When indulgence is granted to one who is not deserving, does it not excite a large number to the contagion of relapse?

(60). Tertullian ad Martyr. c. I.: Some, not able to find peace in the Church, have been used to seek it from the imprisoned martyrs. And so you ought to have it dwelling with you, and to cherish it, that you may be able, perhaps, to bestow it upon others. Euseb. VI. 42 mentions the indulgences of Dionysius after the Decian persecution. Cyprian Ep. 11, 21, 22, 23, complains that indulgences were systematically granted in North Africa. Ep. 16 gives a copy of one of the libelli, or tickets of relief granted by certain martyrs.

systematically granted (61), and ultimately custom allowed (1) the severer bodily penances to be everywhere, and in all cases of private offences (62), commuted into almsgiving (63), prayers, saying of Psalms (64), and pecuniary pay-

(61). Tertullian de Pudic. c. 1, writing as a Montanist, complains: I hear that an edict has been issued, and that a peremptory one. That bishop of bishops [Zephyrinus] decrees: I forgive the sins of adultery and fornication to those who have performed penances. *Ibid.* c. 22; Cyprian ap. Gratian I. Dist. l. c. 26: Where can the medicine of indulgence profit if even the physician himself makes easy way for new dangers? Concil. Ancyr. A.D. 314, *Ibid.* c. 22 and 23, allows a bishop to grant an indulgence to a lapsed deacon. Leo *Ibid.* c. 67; Concil. Chalcedon A.D. 451, Can. 16, *Ibid.* Caus. XXVII. Qu. l. c. 22, orders monks and nuns who marry to be excommunicated, but "we leave to the bishop of the place power of indulgence (ἔχειν τὴν αὐθεντίαν τῆς ἐπ' αὐτοῖς φιλανθρωπίας) in such cases. Gratian Caus. II. Qu. III. c. 8: An indulgence does not take away the infamy of the crime, but gives relaxation from punishment. Theodori Poenit. I. IV. 5, A.D. 673, in Haddan and Stubbs III. 180 and I. XII. 5 *Ibid.* 187 says, "To indulge is in the bishop's discretion." Nicolaus, A.D. 864, ap. Gratian Caus. XXXIII. Qu. II. c. 15; Concil. Tribur. A.D. 895, *Ibid.* Caus. XXVII. Qu. l. c. 12: Let the bishop of the place have power to indulge (largiri) the mercy of humanity. Henry's Crusade, A.D. 1188, Can. 3; Honorius III. in Decret Lib. I. Tit. XI. c. 15, speaks of "deserving our indulgence" (gratiam nostram).

(62). Isidor. A.D. 636, ap. Gratian Caus. XI. Qu. III. c. 12, and Concil. Clovesho A.D. 747, Can. 26, forbad them altogether. Const. 19 Othobon. A.D. 1268, forbids them for any crime that is mortal or notorious. Const. 9 Stratford, A.D. 1342, after two relapses. Alexander III. in Decret. Lib. V. Tit. XIX. c. 4: Since both Testaments abhor usury, we cannot grant an indulgence in this case.

(63). Although alms are enjoined by Ambros. ap. Gratian Caus. XXXIII. Qu. III. Dist. l. c. 76, 49, yet the substitution of them is forbidden by Concil. Clovesho A.D. 747, Can. 26: Alms are necessary to be done daily, that so past sins may be sooner and more fully forgiven by God. . . . Let no alms be given for the making an abatement or commutation of the satisfactory fastings and other expiatory works enjoined to a man by a priest of God according to the Canon Law. Edgar's Law 49, A.D. 960: That all fasts be made meritorious by alms. Lynd. 333 discusses the value of good works to a man labouring under mortal sin.

(64). A year's penance was kept by observing the three fasting periods of forty days each, and Wednesday and Friday in each week. See Theodori Poenit. I. VIII. 11. in Haddan and Stubbs III. 184, and II. XIV. I. *Ibid.* p. 202. Instead of these one hundred and twenty days of fasting in

ments [65], and (2) in nearly all cases of private sins permitted restoration to communion when only the smallest part of the reduced penance had been gone through. Whilst the Church thus relaxed the mortifications required from offenders, it did not conceal from them the fact that there still remained to be undergone the remedial mortifications required by divine justice to purify the soul from the taint of forgiven sin, and it is in regard to relief from these mortifications in the inner forum that the term indulgence is henceforth spoken of [66].

three periods, twelve periods of three days each were allowed to be substituted, provided each period of three days (triduum) was devoted to the recital of psalms and prayers. This was called a triduanum. Theodori Poenit. I. VI. 5, *Ibid.* 183: Theodore approved of twelve triduana doing duty for a year [of penance]; likewise of those [slaves] set free (de egressis al aegris) [he held] the value of a man or a maid to be equivalent to a year [of penance]. Baedae Poenit. X. 4, A.D. 730, *Ibid.* 333. De duodecim, triduanis says that 100 psalms with a prostration (venia) by night, and 300 Lord's Prayers (palmatae, *i.e.*, counted on the fingers) discharge a triduum of penance. Dunstan, Can. 72, A.D. 963: One day's fasting may be redeemed with a penny [equivalent to at least 2s. 6d. of present money, since the tithe of a colt was a penny] or with 200 psalms. A year's fasting may be redeemed with 30s. [equivalent to £45], or with freeing a slave that is worth that money. A man for one day's fasting may sing *Beati* [the 119th Psalm] six times, and six times the Lord's Prayer [a palmata]. And for one day's fasting let a man prostrate himself on the ground [venia] with the Lord's Prayer sixty times. And a man may redeem one day's fasting if he will prostrate himself on all his limbs to God [venia] in prayer, and with sincere grief and sound faith sing fifteen times *Miserere* [the 51st Psalm], and thus his penance for the whole day is forgiven him.

(65). Alfred's Laws, A.D. 877, and Dunstan's Canons, A.D. 963, already quoted. Const. 19 Othobon, A.D. 1268, forbids the money thus received to be applied by a spiritual judge to his own purposes. Such payments as voluntary commutations for corporal penances are allowed by 13 Ed. I. St. IV. c. 1, A.D. 1285, and 9 Ed. II. St. 1. c. 2, A.D. 1315; Const. 12 Stratford, A.D. 1343, directs them to be applied to the fabric of the church. Lynd. 261.

(66). Pseudo-Augustin ap. Gratian I. Dist. XXV. c. 5: He who puts off to another world the fruit of conversion must needs first be purged by the fire of cleansing, which, although not eternal, is yet severe. Concil. Clovesho A.D. 747, Can. 27: A man should punish sin at present in proportion to its guilt, if he desire not to be punished hereafter by the eternal

13. In this sense indulgences are not heard of before the ninth century (67). They then become prominent in connection with the fuller realisation of the doctrine of the communion of saints, which was chiefly due to the influence of the monastic orders (68). As henceforth understood, an indulgence

Judge. . . . If men promise, or believe, or act otherwise, they do not lessen sins, but add sins to sin, . . . because they dare set God's justice to sale. If divine justice can be appeased by others, why is it said by the voice of truth that it is easier for a camel to go through the eye of a needle than for a rich man to enter the kingdom of heaven, when he can with bribes purchase the innumerable fastings of others for his own crimes? . . . Let no man deceive himself. God deceives none when He says by the apostle, We shall all stand before the judgment-seat of Christ." This appears to condemn by anticipation the lightening of penance allowed to rich men by Can. 75 and 76 of Dunstan, A.D. 963. In the Martyrdom of Habib (Ante-Nicene Lib. XX.), 102, the martyr prays, May this fire in which I am to be burned serve me for a recompense before Thee, so that I may be delivered from that fire which is not quenched. Acta Justin. c. 3: It was our wish to endure tortures . . . and so to be saved, because this [enduring tortures] shall become to us salvation and confidence at the more faithful judgment-seat of Christ.

(67). Béringer Les Indulgences, p. 33.

(68). The charitable intercommunion and participation of prayers, good works, and penances was at first confined to societies between which existed *fraternitas* or *consortium*, called also *conventio, foedus, pactio caritatis*, and in the eleventh century *participatio* and *beneficium*. As early as 734 Baeda begs of the brethren of Lisdisfarne that he may become *familiaris vester* . . . that my name may be also placed in the book of life of your congregation. Boniface, A.D. 718, entered into a league of prayer with Berhtwald, Archbishop of Canterbury, and his clergy, which was renewed, A.D. 732, with Tatwine (Haddan and Stubbs III. 313). Aelfwald, King of the East Angles, also made brotherhood with him, A.D. 747 (Ebner's Die Klösterlieben Gebets-verbrüderungen, Regensburg, 1890). King Alred of Northumberland and his consort did the same with Lullus of Mainz, A.D. 773. Lullus entered into brotherhood with Canterbury, A.D. 754, and again, A.D. 761; with Worcester and Winchester, A.D. 754; with York, A.D. 773; and with Wearmouth, Jarrow, and Ripon. Wunibald joined in brotherhood with Monte Cassino, A.D. 761. Alcuin was admitted to brotherhood by the Synod of Frankfort, A.D. 794. At St. Gall the Liber confraternitatum shows the enrolment of the members of the monastic house of Reichenau in 800. That of Reichenau was begun in 826, and by the middle of the ninth century contained the names of more than a

is not a remission of guilt or eternal punishment, nor yet of such canonical penalties as are imposed in the court of penance *ex misericordia* rather than *ex debito*, but a relief from some part of the divine visitation which would ordinarily be required as a remedy to efface the stain of forgiven sin. Hence an indulgence (1) can only be of avail to one who is already in a state of grace—*i.e.*, to one to whom the guilt of sin and its eternal punishment have been already remitted by God's mercy (69). (2) Being an exercise of the power of binding and loosing upon earth which Christ has promised to ratify in heaven, it can only be granted by one who has authority from the Church to grant it—*i.e.*, by a lawful superior (70). (3) The granting it is an act of jurisdiction, not the administration of a sacrament (71). And (4) it derives its effect from the solidarity of the Church, and the interchange of good offices between the Head and the members and between the members themselves, or as it is popularly expressed, from the mystic treasury (72).

hundred confederated abbeys, cathedrals, or collegiate chapters, and 40,000 members. See the *Month*, July 1892, p. 355. Gradually out of these isolated groups the Catholic confraternity or communion of all saints was realised, over which the Pope alone was allowed to have full jurisdiction.

(69). Perrone Praelect. 213 defines an indulgence as a remission of the temporal penalty after the forgiveness of guilt and eternal punishment, valid before God in the inner tribunal made by the application of the treasury by a lawful superior. Béringer, p. 2, as "the total or partial remission of temporal pains due to sins already pardoned as to their guilt and eternal punishment, granted by the Church otherwise than in the tribunal of penance, by the application of the superabundant merits of Christ and the saints."

(70). Cyprian Ep. 29 (Oxf. 36), 2: If the martyrs thought that peace was to be granted to them, why did they refer them to the bishops? Alexander III. to Archbishop of Canterbury in Decret. Lib. v. Tit. XXXVIII. c. 4, says that indulgences (remissiones) which are granted at Church dedications, or to those who contribute to build bridges, or granted by those without jurisdiction, do not profit the recipients, unless they are sanctioned by their own prelates. Concil. Lat. IV. Can. 62, A.D. 1215, *Ibid.* c. 14.

(71). Lynd. 336, says that a bishop elect and confirmed can therefore grant them.

(72). Decret. Lib. v. Tit. XXXVIII. c. 15; Const. 9 Peckham, A.D. 1279:

14. By the mystic treasury is understood that happy consequence of the fellowship of saints in the communion of one body, whereby the purifying sufferings of each member avail for the purification of others, so that the lack of one is made up for by the superabundance of another, and all are purified by the transcendently meritorious sufferings of Christ. It presupposes (1) that the Church is an organic whole, within which the sufferings of Christ are a perpetual source of holy influences, eradicating the remains of sin and stimulating to holiness those who are His members; (2) that these holy influences can be brought to bear upon individuals by those whose sufferings supplement Christ's (73), or as it is expressed,

Let those who are commissioned to dispense the mystic treasury beware . . . lest they who ought to be subject to the Keys do bring them into contempt. Clement VI. in Entrav. Com. Lib. v. Tit. IX. c. 2; Lynd. 23, 336.

(73). Math. XXV. 34, 35; Gal. VI. 2; 1 Cor. III. 8; XII. 13, 25, 26; Coloss. I. 24: I rejoice in my sufferings on your behalf, and fill up the outstanding remains (ὑστερήματα) in the sufferings of Christ in my flesh on behalf of His Body. Rom. v. 20 and XII. 5; Eph. IV. 3–6; Cyprian Ep. 29 (Oxf. 36), speaks of "the indulgence and privilege of the association" (*i.e.*, the benefit of being discharged from penance through association with the Church). *Id.* De Laps. 17: We believe that the merits of martyrs and the works of the righteous are of great avail with the Judge, but that will be seen when the day of judgment shall come. *Ibid.* c. 35: God can mercifully grant indulgence to him who truly repents. . . . He can set down to his account whatever the martyrs have asked, and the bishops have done for such persons. Ambros. A.D. 384, de Poenit. I. c. 15 (IV. 534): The whole Church takes upon itself the burden of the sinner, who must be sympathised with with weeping, and prayer, and affliction, and as it were sprinkles itself with his [impure] leaven, that in one who does penance, whatever is superfluous may be purged away by the help of the collective members by a certain admixture of manly mercy, as it were productive of fellow-suffering. Augustin in Ps. LXI. 4 (IV. 731 Migne): You suffer so much as by your sufferings must be contributed to the collective sufferings of Christ, Who suffered for us as our flesh, and suffers in His members, *i.e.*, in ourselves; for we each of us pay what we owe to this our commonwealth, and to the best of our power contribute thereto our measure of suffering, but the full equal sharing (pariatoria plenaria) of all sufferings will not be till the end of the world. Pseudo-Augustin ap. Gratian Caus. XXXIII. Qu. III. Dist. VI.

by the satisfactions of the saints; and (3) that this benefit can with certainty be communicated to living members of the Church, provided they obediently carry out the injunctions laid upon them, and can possibly be imparted to the dead by way of suffrage, but not with certainty (74).

15. It follows that for an indulgence to be effective five things are necessary, two on the part of those who grant or declare it, and three on the part of those to be benefited thereby. On the part of those who grant it, it is necessary (1) that they have authority to act for the Church; and (2) a good cause for acting or granting it. On the part of the recipient, (1) that he has true repentance, and is already in a state of grace (75); (2) that he has faith in the power of the keys, which involves virtual if not actual intention to obtain the indulgence; and (3) that he has obedience, which involves a strict fulfilment of the required conditions.

16. The power of granting indulgences, being an exercise of the power of the keys, belongs properly to the whole Church, and was formerly exercised by individual bishops with the tacit consent of the rest. Owing to the grave abuses which grew up in the early mediaeval period, the bishop's power of granting indulgences was, by the Fourth Lateran Council, limited to a period of forty days (76), or one-third of a

c. 1 § 1: We must believe that all the alms of the whole Church, and prayers, and works of justice and mercy succour one who recognises to his conversion his own [spiritual] death. Unless the unity of the Church succours him, unless it completes by its operation what is wanting to the sinner, the soul of one [spiritually] dead will not be rescued from the hand of the enemy. Alexander of Hales, Part IV. Qu. 23, Art. 2 and 3; Béringer, p. 21.

(74). Theodori Poenit. II. XIV. 2 in H. and S. III. 202: He who fasts for a dead man helps himself. Whether he helps the dead is known only to God.

(75). Lynd. 231: So long as the guilt remains, the penalty cannot be remitted.

(76). Concil. Lat. A.D. 1215, in Decret. Lib. V. Tit. XXXVIII. c. 14: When a Church is dedicated let not an indulgence extend beyond one year, whether it be dedicated by one or many bishops, and on the anniversary of the dedication let not the remission of enjoined penances exceed forty

year (77), except that a whole year might be indulged to such as contributed to build a church (78). Custom, nevertheless, continued to allow to the Pope the privilege of granting indulgences in fuller measure, whence arose in late mediaeval times an infamous traffic in them, which not only brought indulgences into disrepute, but discredited the whole doctrine of penance and the communion of saints. It is now, however, allowed by all (1) that no indulgence can avail unless it is granted for some sufficient and pious cause; (2) that the Church and not the individual must be the judge of the sufficiency; and (3) that an indulgence granted for any other reason is not only invalid, but also unlawful (79).

17. Indulgences as now granted are of several kinds. (1) Some are local, others real, others personal, which means that from certain places, things, or persons, stimulating influences may be received which so produce holiness that the otherwise necessary mortifications can be dispensed with. (2) Some are perpetual, others temporary. (3) Some are granted to the

days. Const. 9 Peckham, A.D. 1279: It is wholesomely ordained that prelates in granting indulgences do not exceed forty days. Boniface VIII. in Sext. Lib. V. Tit. X. c. 3; Const. Islep, A.D. 1359: By these presents we grant forty days' indulgence to all Christians in our province who shall pray in the manner aforesaid. Const. Bourchier A.D. 1454; Const. 7 Nevil, A.D. 1466.

(77). Theodori Poenit. I. II. 1 and 8 in H. and S. III. 178; I. VIII. 10 and 11, *Ibid.* p. 184.

(78). Dunstan, Can. 68, A.D. 963: Let him that hath riches rear churches to the praise of God, and endow them, and give them lands, and let inferior priests [*i.e.*, priests not attached to a collegiate church] be brought thither to officiate, . . . and let him repair the public roads with bridges over deep waters and foul ways. Alexander III., quoted above, note 71.

(79). Cyprian de Laps. c. 18: If any one thinks by an over hurried haste to give remission of the penalties of sin to all, or dares to rescind the Lord's precepts [which require penance], not only does he in no respect benefit the lapsed, but he does them harm. . . . The martyrs order something to be done, but only if this thing be just and lawful. c. 20: Martyrs cannot be the authority for the bishops doing anything against God's command, who themselves have done God's command. Liguori Lib. VI. n. 532, on Clement VI. in Entrav. Com. Lib. V. Ep. IX. c. 2.

living, others conceded by way of suffrage for the dead [80]. (4) Some are plenary, others partial. Plenary indulgences were unknown before the eleventh century; in the thirteenth they were extremely rare [81]; and although they may be a logical corollary from the communion of saints, their validity is still regarded with suspicion by many.

(80). Lynd. 237 observes that the Church's mystic treasury cannot be applied to the dead, because no indulgence avails unless good cause is shown. Pius VI. in the Bull Auctorem fidei, A.D. 1790, decreed that it might avail per modum suffragii. See Craisson, § 4503 and 4572, who defines an indulgence for the dead as a ransom offered admittedly sufficient, but the application of which in this or that degree to this or that person is not covenanted, though confidently expected in answer to the Church's prayer.

(81). The first plenary indulgence known to have been granted was that granted by Urban II. in Concil. Clement, Can. 3, A.D. 1095, in favour of Crusaders. Devoti Lib. II. Tit. III. § 4; Béringer, p. 45.

INDEX.

This Index does not pretend to contain an exhaustive list of the authorities quoted in the notes, to most of which only one reference is given to fix their date.

THE END.

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